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LONDON:
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THE LAWS OF BARBADOS

No. 1.

22 March 1666.]—AN ACT for the better ascertaining the Laws of this Island.

No. 1.
22 March 1666.

[Clause 3 has been repealed.]

FORASMUCH as the present Governors, Council, and Assembly, have signified by a late declaration, bearing date the seventh day of March instant, “That the government of this place shall be according to the laws of England, and of this Island, as hath been heretofore used and practised.” And for that nothing more conduceth to the good and quiet of any place and people, than the assuring and ascertaining such laws and statutes, as they are to be governed and regulated by; and to take off all pretence of ignorance of the same for the future :

It is therefore ordained and enacted, by the Governors, Council, and Representatives of the inhabitants of this Island now assembled, That all such Acts and Statutes as have been made and published in this Island, or viewed, corrected, and confirmed by any Governor and Council, or President and Council, by virtue of any Commission from King James, or Charles I. his now Majesty’s royal grandfather, and father, of ever blessed memory; or, by virtue of any commission from his most gracious Majesty that now is, either immediately from either of their said Majesties, or mediately from them or either of them, by, from, or under the late Earl, or any former Earl of Carlisle, by, or, with the assent or consent of the Representatives of this place, legally called and continued, which stands unrepealed by any power and authorities aforesaid, Be hereby enacted and declared to be in full force and virtue in this Island; and that all Laws, Acts, and Statutes, made or published in this Island, by any other power or authority than as before expressed, are utterly void, and of none effect; any declaration, order or ordinance to the contrary notwithstanding.

And it is hereby further enacted by the authority aforesaid, That Philip Bell, esquire; Robert Hooper, esquire; Constant Sylvester, Simon Lambert, John Jennings, and Richard Evans, esquires; and Mr. Edward Bowden, Secretary; do, with what convenient speed they can, collect and compile all the Acts and Statutes in force, as aforesaid; and them cause to be fairly and distinctly entered and enrolled, by the Secretary of this Island, in one book entirely by themselves, without being mixed or confused with any the Laws, Acts, or Statutes, made void as aforesaid; which Acts and Statutes so transcribed, entered, and enrolled, and none other, shall be, and be taken and esteemed to be, the Acts and Statutes in force made in this Island: any declaration, order, or ordinance to the contrary notwithstanding.

It is also ordained and enacted by the authority aforesaid, That in regard the public seal appointed by his Majesty, that now is, to the Right Honourable Francis Lord Willoughby of Parham, for this and the rest of the Caribbee Islands, cannot at present be had to affix to this Act, according to the appointment of his sacred Majesty, in his grant to the

2 *Officers' Security—Frequenting Taverns by Seamen.*

No. 1.
22 March 1666.

said Lord Willoughby, bearing date the twelfth of June, in the fifteenth year of his Majesty's reign, the present Governors subscribing their names to this Act, shall be deemed as effectual, and of as full force and authority, to all intents and purposes, as if the said public seal were thereunto affixed.

HENRY WILLOUGHBY,
HENRY HAWLEY,
SAMUEL BARWICK.

No. 2.
13 March 1648.

No. 2.

13 March 1648.]—AN ACT for Officers putting in Security.

Preamble.

WHEREAS the inhabitants of this Island are truly sensible of the great and many inconveniences which may redound unto them, by reason of the Provost-Marshal, and other officers' neglect and carelessness in the due execution of his and their offices, and performance of business incident thereunto; in regard that formerly there hath not been sufficient security given to make good such damages as the said inhabitants do, or shall sustain by them, or their substitutes: for remedy whereof for the present, and prevention of the like inconveniency for the future, It is hereby enacted, published and declared, that no Treasurer or Marshal, either the Provost or particular Marshal of any Court, be admitted, or held capable to execute the office of Treasurer, or Marshal, within this Island, without having first put in security, such as against which no exception can be taken, unto the Secretary for the time being, payable to the Governor and his successors, for his honest and just demeanor in executing the said office.

PHILIP BELL.

No. 3.
13 March 1648.

No. 3.

13 March 1648].—AN ACT appointing Security to be given by the Clerks, &c., of the several Courts within this Island.

CLAUSE 1.
Clerks to take an oath for the due performance of their office.

It is hereby enacted, published and declared, That no person or persons, shall hereafter be employed, or received in the office of a Clerk in any of the several Courts in this Island, until they have taken oath before the Governor for the time being, for their honest, true, faithful, and careful performance of their several duty, or duties respectively incident to their several places, or offices in the said Courts; and that they shall true entry make of all such actions, orders, records, or other matters, as they, or any of them, shall be commanded to enter, by the Judge, or assistants of the said several Court, or Courts: And that they shall not rase, deface, or embezzle any action, order, or record in any the said Courts, or alter any the same, either by addition, or diminution of words, without advice, direction, assent, or consent of the Judge of the Court, or Courts aforesaid: And that they shall well and safely keep all such records and other writings whatsoever, which shall be committed to their custody or trust, either by the said Judge, Justice, or assistants in any of the said Courts: And further, until the said Clerk or Clerks have given security to the Judge of the Court, such as is without exception, to satisfy any party that shall be injured by his dishonest behaviour, if any be, such damages as he shall thereby suffer.

To make true entries of all actions, orders, and records.

Not to rase, deface, or embezzle any record, nor alter any the same, without the direction of the Judge; safely to keep all such records.

And to give security to make good any damage parties shall sustain by their misbehaviour.

Proviso.
Judges restrained from altering, rasing, &c., the records.

Provided always, That this Act extend not to the privileging of any Judge, Justice of the Peace, or other person whatsoever, to add or alter, rase out, embezzle, or diminish any record, or records, which shall be kept in any of the Courts of this Island, upon penalty of the laws of England in that case made and provided.

PHILIP BELL.

No. 4.

10 January 1652.]—AN ACT to prevent frequenting of Taverns and Ale-houses by Seamen.

No. 4.
10 Jan. 1652.

WHEREAS it hath been taken into consideration, the great frequenting of taverns and ale-houses, by the several seamen arriving to this Island, and the great neglects by them committed in the service of their respective masters and employers, whereby the affairs of the several ships are much hindered and prejudiced, and great damage sustained: besides the unnecessary expences of several the said seamen in many the said taverns and ale-houses; and by reason of the readiness of several loose people to trust them, which oftentimes the said masters are forced to pay or satisfy, or else their ships cannot sail, and their voyage hindered or lost: For prevention whereof for the future, It is ordained and enacted by the Governor, Council, and Gentlemen of the Assembly, That whatsoever seaman shall be found on shore after eight of the clock at night, and shall not show a certificate for his so being on shore, from the Master, or Owner whom he serves, or cannot give a good account thereof, shall be apprehended by the next Constable or Officer, and conveyed to the common-gaol, or set in the stocks, at the discretion of the said Officer, and the next morning be brought to the next Justice of the Peace, who, according as in his discretion he shall see good, shall release him, paying of his fees. And what master of a family within this Island, that shall be found to receive, or entertain such seaman into their houses after the time aforesaid, being not licensed thereto as aforesaid, shall forthwith, on such default, forfeit and pay into the public treasury, to the public use of this Island, Five Shillings sterling money; the same to be levied by warrant to the Constable, from the said Justice of the Peace directed.

Preamble.

CLAUSE 1.
Seamen being on shore after eight o'clock at night without a certificate to be sent to gaol, or put in the stocks.

And the persons entertaining them at those times to pay 6s. 3d. by warrant from a Justice.

CLAUSE 2.
Masters and Commanders not obliged to pay seamen's scores.

And it is hereby further enacted and ordained by the authority aforesaid, That no Master or Commander of any ship, or ships, shall be liable to pay any the scores, or debts made by their respective seamen, in any taverns or ale-houses in this Island, but that all persons so trusting any such seamen for drink, or wines, at any times, they having not engagement for the same from their Masters, shall be incapable of recovering the same in any Court of Record within this Island.

DANIEL SEARLE.

No. 5.

16 September 1653.]—AN ACT declaring what Proofs to Bonds, Bills, Procurations, Letters of Attorney, or other Writings, shall be sufficient in Law.

No. 5.
16 September 1653.

WHEREAS by reason of the great distance between this place and England, direct proof concerning deeds, bonds, writings, or other specialties, for moneys or goods taken up, or engaged for, and towards the supply and further settlement of this Island, and of letters of attorney, procurations, or other powers to prove the same, cannot be had, : and also any bonds, or specialties hereafter to be taken upon any consideration whatsoever; whereby great mischiefs have redounded to the good people of the commonwealth of England, and great obstructions to the justice of this Island, no express provision being made therein: For remedy whereof, be it enacted and ordained by the Governor, Council, and Assembly, and by the authority of the same, That such deeds, and bonds, or other specialties, all letters of attorney, procurations, or other powers in writing, which shall at any time after publication hereof, be produced in any court of justice within this Island, attested to have been proved on oath, under the corporation-seal of the Lord Mayor of London, or any other mayor, or chief officer of any city, or town-corporate, within the dominions of the commonwealth of England, shall be taken, deemed and adjudged, as sufficient in law, as if the witnesses in them named and subscribed, had been personally here and proved the same.

Preamble.
See Act passed 27th February, 1816.

CLAUSE 2.
The manner of proving foreign debts, or specialties
Vid. Stat. 5 Geo. 20,
and Barbados Act,
No. , Cl. 4.

No. 5.

16 September 1653.

CLAUSE 2.

The Jury and Judge to accept such proof.
 Proviso.

That no execution shall issue until the plaintiff give security, if thereto required, that the sum recovered is a debt bonâ fide due and unsatisfied.

Two years allowed the defendant to disprove the whole, or any part of the debt.

And the plaintiff shall pay what is so disproved with treble damages to the defendant.

Proviso.

None to take advantage of this law but such as shall comply with all the requisites.

And that such attestation shall be sufficient evidence to the jury to give verdict thereon, and sufficient warrant to the Judge to proceed to all lawful intents and purposes whatsoever; any law, or custom to the contrary notwithstanding.

Provided nevertheless, and it is the true intent and meaning of this Act, that to prevent all deceits that may happen therein, no execution shall be granted upon any judgment had upon the testimonies so certified, as aforesaid, until the plaintiff (if the defendant so require) have first given good security in double the sum recovered, unto the Judge of the Court where such recovery was had, that the debt recovered was a just and real debt, and that the whole, nor any part of what he demands, was ever satisfied unto the creditor, or any other by his order, for his use; or that what he demands upon the specialty upon which he sues, was ever satisfied by any, in whole, or in part. And that the debtor have two years' time to disprove the said debt, or any part of it, and therein have the same advantages of proofs, as the creditor is allowed by this Act: And also he shall have power to bring before the said Mayor, or other chief officer, any collateral proof, as by verbal testimonies, although he have no specialty, or acquittance; also bill of lading, or other circumstantial proof: which being certified to have been testified upon oath, as aforesaid, shall be held sufficient for disproof of the said debt, or any part of it. And if in that time it be not, nor any part of it, disproved, that then the said security shall be void, and the bonds or bills taken thereon be delivered up and cancelled: But if the whole demand, or any part of it, be in that time disproved, the plaintiff shall pay what is so disproved to the defendant, with treble damages, which by the defendant shall be proved to a jury, that he hath suffered thereby.

Provided also, That no creditor shall take benefit of this law, but such an one as hath first taken his oath before the said Mayor, or chief officer that shall make the said certificate, that neither the whole demand, nor any part thereof, is satisfied. But if the said creditor claim the debt, as executor or administrator, then he shall only swear, that to his knowledge, neither the whole, nor any part of the said debt, is satisfied.

DANIEL SEARLE

No. 6.

29 August 1656.

No. 6.

29 August 1656.]—AN ACT concerning written Depositions produced in Courts, and appointing how the Evidence of Sick and Lame Persons, and of Persons intended off this Island, shall be Valid and Good.

Preamble.

WHEREAS it hath been an usual, though no warrantable custom within this Island, that the depositions of several persons taken in writing, have been produced and passed as evidence in the several Courts of Justice, when as the deponents have been resident and in health within the Island, whereby several just causes have suffered through the imperfection and illegality of the said testimony, being against the laws of the land, and to the extreme prejudice of the subjects. For the reparation of the said errors, and prevention of future inconveniences, it is, by the authority now assembled, enacted, published, and declared, That hereafter no such written deposition be accepted for evidence, either by Judge or Jury, in any Court of this Island, unless it be manifestly proved, that the deponent was upon departure, or departed from the Island before the trial of the controversy to which his testimony is produced, or be hindered by extreme sickness to appear personally in Court; and that in such cases, the other party have notice when the said deposition is to be taken, or that both parties be present.

CLAUSE 2.

Persons going off sick, lame, or disabled, may make depositions

And it is enacted and ordained by the Governor, Council, and Assembly, and by authority of the same, That in case any witnesses in any case of suit depending between party and party, or which may here

be tried, be to go off this Island, or extreme sick, lame, or otherwise disabled; then the deposition of such witness, or witnesses, taken by the Governor, or any Judge, or assistant, or Justice of the Peace, in presence of the plaintiff and defendant, or some for them, shall be held, taken, and esteemed sufficient and good evidence in law, to all intents whatsoever, and not otherwise, but by the presence of the party. But if the said plaintiff or defendant shall refuse to come, being summoned thereunto, and the same proved on oath, either by the party himself, or other witnesses, then the said evidence to be taken without them and to be good sufficient testimony to the jury; any former law, usage, or custom to the contrary notwithstanding.

DANIEL SEARLE.

No. 6.
29 August 1656.

before the Governor, or any Judge, Assistant, or Justice, in any suit depending, in presence of both parties.

Or without them, if they refuse to appear; and the same to be evidence.

No. 7.

26 July 1667.]—AN ACT authorizing the Governor of this Island for the time being, to appoint a Provost, or Chief Marshal within the same.

No. 7.
26 July 1667.

FORASMUCH as it hath been in the power of the Governor of this Island, Preamble. from the settlement thereof, to appoint meet persons of known abilities for the execution of the Provost-Marshall's office, for which of late, by some surreptitious practices, patents have been obtained and procured from his Majesty, by persons very unfit for a place of such trust, to the great prejudice of the inhabitants: For remedy therefore of these inconveniences for the future, and that the said office may be supplied with persons able and fit for the discharge of the said place, We the representatives of this Island of Barbados, do humbly pray your Excellency, that it may be ordained and enacted; And it is hereby ordained and enacted by his Excellency, Council and Assembly, and by the authority of the same, That it shall henceforward be in the Governor's power from time to time, as occasion shall offer, to constitute and appoint any sufficient person, or persons, whom he shall judge meet, to be Provost-Marshall of this Island, taking good security, as hath been heretofore accustomed, for the just and honest discharge of his place.

WILLIAM WILLOUGHBY.

CLAUSE 1.
The Governor shall, from time to time, have power to appoint the Provost-Marshall, taking good security, as usual, for the faithful discharge of his office.

No. 8.

19 March 1667.]—AN ACT to prevent all Forcible and Clandestine Entries into any Lands or Tenements within this Island.

No. 8.
19 March 1667.

FORASMUCH as great care hath been had, for divers years past, for the quieting, settling, and ascertaining all men's rights and possessions in and to their lands and tenements within this Island, for as that the difficulty of determining men's interests through the defects of former grants, or the weakness of men in the infancy of settlements, as to deeds, and due forms of law, hath been of late years reasonably well evinced and cleared, and the limitation of time, as to men's rights and estates, claims and properties hath been successively enlarged, and continued beyond expectation, whereby all capacities and conditions of persons might arrive to a challenge of any their estate; and that it is high time now, the possessors of lands should in some measure be free from the daily vexations of unwarranted claims, entries, and secret possessions, gained by litigious, troublesome, and unconcerned persons, who, notwithstanding the Courts of Common-Pleas are open, and do hold monthly, for the determining of men's rights, yet do daily vex and disturb the inhabitants of this Island in their possessions and estates, by privately setting up of petty roofs, or thatched houses, sometimes in the night, sometimes in the day, in the remote bounds, or parts of their plantations and lands, and by sudden and secret entries into lands and tenements, or by private

Preamble.
Vid. these Statutes.
5 R. 2. c. 7.
15 — c. 2.
8 H. 6. c. 9.
20 — c. 11.
22 — c. 33.
2 H. 7. c. 16.
8 Eliz. c. 4, 9, to 17.
31 — c. 11.
21 Jac. 1. c. 15.

No. 8.
19 March 1667.

CLAUSE 1.
No forcible entries to be made, or detainers.

Nor huts, hovels, thatched houses, &c., to be erected to gain possession.

On pain of 50*l*. sterling.
Vid. Crompt. 69, 70, 73, 195.

Lamb. 145.
H. P. C. 116, 128, 139, 142.
2 Roll. Rep. 2.
Noy 136.
30 Ass. 50.
8 Co. 121.
Kellw. 41.
Moore 848.

The two next Justices, or one of them, on complaint made, to remove such possessions.

Offenders to be bound in 50*l*. sterling to keep the peace, and to appear at the Grand Sessions, where the above penalty shall be adjudged, and paid into the Treasury.

In case of resistance against the Justices, they, or any of them, may raise the posse-comitatus, and proceed against offenders as rioters, &c.

Forfeiture of the Justice who shall refuse acting herein, is 50*l*. sterling, half to the public and half to the informer.

Exceptions.
Entry on breach of covenant, &c. Arrearages of rent.
Or entry to seal leases of ejectment.

ways of gaining possession upon very frivolous suggestions, do pretend right and property; and by such means with other subtle tricks and pretensions, meeting many times with the advantage of ignorant persons concurrent with their devices, do daily trouble and put to charge the owners and rightful possessors, and endanger their just interests, when in truth the party so indirectly gaining possession, or entering, hath no just cause for his so doing: and also, whereas it often falls out, that upon due trial at the common law it was found that such entry was altogether unlawful, whereupon judgment is given that the plaintiff shall recover his possession with costs and damages against the defendant, whose condition is for the most part so desperate, that he is not able to perform the sentence of the law, whereby the plaintiff after a tedious suit, and his estate wasted, is left remediless, to his intolerable grief and damage: For prevention of which great evils for the future, it is ordained and enacted by the Deputy-Governor, the Council, Assembly of Representatives of this Island of Barbados, and by authority of the same, That henceforward no person, or persons whatsoever, presume to make any forcible entries, or forcible detainers into, or of any lands, houses, or tenements within this Island; or presume to enter secretly into any man's lands, houses, or tenements, for gaining of possession, by setting up any roofs, huts, hovels, tents, or thatched houses, or by any such private or secret practices, or other ways or means whatever, without due course, trial, and recovery at law, first had and obtained; under penalty of forfeiting £50 sterling money for every person so offending, to the King's Majesty. And whosoever any person, or persons, shall make any such entry and detainer, or by any such secret means, or ways as aforesaid, enter into, or gain possession of any man's lands, houses, or tenements, upon any pretence whatsoever contrary to this Act, without trial and recovery at law first had and obtained, to bring into question and trial the right and property thereof, the next two Justices of the Peace, or one of them, are hereby required and authorized upon complaint of the party grieved, to remove such entry and possession; and all such houses, roofs, huts, and thatched houses, for that end so put and erected, shall cause to be pulled down and destroyed, as if the same had never been: And the person, or persons so entered, possessed, or holding, or found doing contrary hereunto, shall be committed to the common gaol of this Island, there to remain until they have given recognizance, themselves in £50, and two securities in £25 sterling money a piece, for his appearance at the next General Sessions to be held for this Island, to answer the same, and in the interim to keep the peace: at which said sessions the matter shall be fully examined, and the said penalty there adjudged, and accordingly paid into the public treasury of this Island. And in case of resistance by strong hand, or force, against the said Justice or Justices executing herein, by any party possessed, or entered as aforesaid, and contrary to this Act, the said Justice or Justices are hereby authorized and required to raise the power of the county, and proceed against all the offenders as rioters, or rebels. And the Justice of the Peace who shall herein fail of executing as is hereby required, shall forfeit £50 sterling money, the same to be recovered in any the Courts of Common Pleas within this Island, by him that shall inform thereof, and sue for the same; the one half to the Public Treasury for the use of the Island, and the other half to the informer.

Provided nevertheless, That this Act, nor any thing therein contained, shall extend, or be construed to reach or extend, to any entry made upon breach of covenants, conditions, or any arrearages of rent, or any such like case, where the right, title, or property is not thereby enforced to, and intended for a trial, or brought into question; or to the formal entry made for the ensembling leases of ejectment, or livery of possessions made thereupon, if the owner, or tenant thereby shall not be dispossessed.

WILLIAM WILLOUGHBY.

No. 9.

22 December 1669.]—AN ACT appointing Bench Actions, and the manner of proceeding therein.

No. 9.
22 December 1669.]

FORASMUCH as daily experience doth manifest the several inconveniences which befall both plaintiffs and defendants, especially the poorer sort of this Island, for want of trial of small actions by the Bench, as hath been heretofore accustomed; the Deputy-Governor, Council, and Assembly, desiring to put a remedy to the same, have enacted and ordained, And it is hereby enacted and ordained by the said Deputy-Governor, Council, and Assembly, and the authority of the same, That from and after the date hereof, all and every person, and persons suing in any Court of Common Pleas in this Island, for any sum or sums not exceeding One Thousand Pounds of Sugar, or Five Hundred Pounds of Cotton, or not above Eight Pounds sterling, whether by bill, account, or otherwise, are to file their actions with the Clerks of the respective Courts of Common Pleas, in as short a method and form as may be; setting forth the sum or sums due, and to carry to the said Clerk a copy thereof, who is to attest the same, and to deliver the copy thereof so attested, to the plaintiff or plaintiffs, together with a warrant accustomed; for which filing, attesting, and warrant, he is to receive Two Shillings, and not more: which warrant and declaration, being carried to the Marshal of the said Court, he by himself, or deputy, is to give summons to the defendant or defendants, in the precincts to the said Court belonging, in such manner, and within such time, and with such return of the said summons, as is appointed by the Act of judicial proceedings, and as it is to all other actions now accustomed and appointed; for which he is to receive for his fee, One Shilling sterling, and not more: and that as well the plaintiffs as defendants in such action, need not appear till the third Court following such entry and summons; and at the said third Court, the debt or debts in question, are then to be heard and examined by one, or more of the Justices of the said Court, and by him or them to be ascertained, who are to make and enter an order upon the said hearing, what is justly due, that execution may issue thereon, for the same; and that then the like proceedings may then after be had as in other cases. But if at the third Court the matter cannot be clearly decided, and the debt not ascertained, or that the defendant will plead thereto, and have the same tried by a jury, then that the same be done at the said third Court, without sufficient matter shewed to the Court to give further time; and to give and allow all charges against the defendant in such cases, as is accustomed in other actions. But where the matter is decided by the Bench, then no charge to be allowed for attorneys' fees on either side, but the fees aforesaid, for the entry and the Marshal's summons. And if the defendant appears not at the said third Court, being called, then that he be condemned by *nihil dicit*, and execution to issue thereon accordingly: and for the entry of the order, or sentence so made by the Bench as aforesaid, the Clerk to receive One Shilling sterling, and not more; and that the Clerks of the respective Courts keep a book for such entry and records, and make plain and fair entries in such cases; any thing contained in any law to the contrary notwithstanding.

Preamble.
CLAUSE 1.
A Bench action not to exceed 8*l*. sterling, which is to be filed in as short a form as may be, by the plaintiff himself, and a copy attested by the Clerk of the Court, who is to be paid 2*s*. for such entry, &c.
And the Marshal 1*s*. for service thereof. Defendant to appear at the third Court.
And one or more Justices to hear and determine such suits.
At the third Court the defendant may plead thereto, and have it tried by a jury.
All accustomed charges to be allowed the plaintiff; but where the matter is decided by the Bench, no fees allowed but the entry and service.
The defendant failing to appear at the third Court, the plaintiff shall obtain judgment and execution issue thereon.
For entry of the record, the Clerk to receive 1*s*.

CHRISTOPHER CODRINGTON.

No. 10.

3 October 1688.]—AN ACT for binding and ordering poor Apprentices.

No. 10.
3 October 1688.]

[Clauses 2, 3, 5 and 6 repealed.]

WHEREAS many disorders have happened between apprentices and their masters, sometimes occasioned by the master, but most commonly by the idleness and looseness of the apprentice, which has grown the more frequent for want of a declared method in punishing the idle, and relieving

5 Eliz. c. 4.
43 — c. 2, f. 1, 5.

No. 10.
3 October 1688.

CLAUSE 1.
Any boy or girl within 21 years, may bind themselves by indenture until they arrive to the age of 21 years.

But it must be done with one of the parent's consent, if living. If dead, by consent of the next Justice of Peace and Churchwarden: who are to see that the child be properly bound,

And shall endorse their approbation on the indentures.

CLAUSE 4.
Two Justices to bind out any loose or unsettled persons, until they arrive at 21 years, wherein they are to proceed as appointed by 5 Eliz. c. 4.

the injured apprentice: Be it therefore enacted by the Right Honourable Edwin Stede, his Majesty's Lieutenant-Governor, and Commander-in-Chief of this and other the Caribbee Islands, the honourable the Council and General Assembly of this Island, and by authority of the same, That from and after the publication of this Act, it shall and may be lawful for any boy, or girl within this Island, under the age of one and twenty years, by indenture under hand and seal, to contract, agree and bind him or herself an apprentice to any person exercising a trade, calling, or husbandry within this Island, for and during any term, until they shall arrive unto the age of one and twenty years; provided the said contract and agreement be made by, and with the consent of one of the parents of the said boy, or girl so to be bound apprentice as aforesaid: and in case the parents of such boy or girl be dead, then by and with the consent and approbation of the next Justice of the Peace to the place where the parents of the said boy or girl lived, and the Churchwarden of that parish: Which Justice and Churchwarden are hereby required to examine the master or mistress, what trade, calling or occupation, he or she is of; and consider whether the said boy or girl, so to be bound apprentice as aforesaid, be fit for such the trade, calling or occupation of such master or mistress. And if it appear to the said Justice and Churchwarden, that the said boy or girl be fit for such trade, calling or occupation, then the said Justice and Churchwarden are to see the said master or mistress, and the said boy or girl, sign, seal and deliver the indentures of apprenticeship interchangeably, and set their hands to an endoresement thereupon, signifying their approbation thereof. And all such indentures of apprenticeship, so signed and sealed by any boy or girl, under the age of one and twenty years, with the consent of the parent, Justice of the Peace, and Churchwarden aforesaid, shall be sufficient to oblige the said boy or girl to serve his master or mistress the term, and to do and perform the covenants and agreements therein specified, as well and effectually, to all intents and purposes, as if the said boy or girl were above the age of one and twenty years at the sealing thereof; any law to the contrary notwithstanding.

And be it further enacted by authority aforesaid, That it shall and may be lawful for any two Justices of the Peace within this Island, to bind out any loose, idle or unsettled persons under the age of one and twenty years, to apprenticeship, for any term, until he or she arrive unto the age of one and twenty years; wherein the said Justices shall observe and proceed in such manner as is appointed by a good and wholesome statute made in the fifth year of the reign of Queen Elizabeth, of ever blessed memory, Chap. 4.

No. 11.
19 December 1688.

No. 11.

19 December 1688.—AN ACT for the better regulating of Outcries in Open Market.

Preamble.

WHEREAS great inconveniences have daily happened to debtors that have their cattle, coppers and stills, and other chattels brought by execution to open market to be outcried, whereat the Marshals have set the said cattle, coppers and stills, and other goods in great lots or numbers to be sold, so that only ready monied and rich men are able to buy them; whereby for want of bidders, the said cattle and coppers, stills and other goods, are often bought at under rates and value: Wherefore, for prevention of the said inconveniences for the future, Be it enacted by the Right Honourable Edwin Stede, His Majesty's Lieutenant-Governor and Commander-in-Chief of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by authority of the same, That the Marshal or other deputed officer of every Court in this Island, upon attachment of any cattle, coppers, stills or other chattels,

CLAUSE 1.
The Marshal or other deputed officer, on any attachment by an execution above 100*l*. shall

by virtue of any execution for above One Hundred Pounds sterling, or the value thereof, that shall be after publication of this Act taken out, shall set up, four days at the furthest after attachment as aforesaid, notice in writing upon the court-door of this Island, of the cattle, coppers, stills and other goods so attached as aforesaid, and the place and time, when and where they are to be sold; which sale shall be at some time between ten and fourteen days after attachment as aforesaid, to the end persons intending to buy, may have timely notice thereof. And when the cattle, coppers, stills, or other chattels aforesaid, to be attached as aforesaid, shall be brought to market, the debtor or his assigns shall have free liberty to dispose the goods so attached into lots as he shall think most convenient for his interest. But if the debtor shall neglect or refuse so to do, the Marshal is hereby required to dispose the chattels aforesaid into lots. And also the Marshal is hereby required not to sell above five head of cattle, one copper, or one still in one lot, unless otherwise appointed by the debtor. And all other chattels, the Marshal shall to the best of his judgment, estimate and dispose of into lots, not exceeding the value of Fifty Pounds sterling, in each lot, unless therein also otherwise directed by the debtor.

And it is further enacted by the authority aforesaid, That no outcries of sales aforesaid shall be had or made at plantations, or in any other places, but in open market only; except timber, sugar-pots, drips and other ponderous and heavy goods, too troublesome to be removed out of the plantation to open market.

And whereas the fees of the respective Marshals of the said Courts for levying executions, have been hitherto variously construed, to the great injury of many the inhabitants of this Island, sometimes computing the said fee in sugar, but most commonly in money, which proves very inconvenient: For remedy of which various construction for the future, Be it declared and enacted by authority aforesaid, That the Marshal levying an execution, shall for the future, computing and taking his fee aforesaid, commute the moneys, if the execution be in money, into Sugar, at Twelve Shillings and Sixpence per hundred, and shall charge four per cent. for the first thousand pounds of sugar, three for the second, and two per cent. for all above; which fee being thus computed, the Marshal shall receive in money at Twelve Shillings and Sixpence per hundred, and no more.

And to the end the officers of the several Courts of this Island may not extort more for their respective fees than is established for them, and that the inhabitants may the better know what fees are appointed to be paid, Be it enacted and ordained by the authority aforesaid, That every of the said respective officers in this Island, shall set up in their respective offices, a fair table of the fees that by the laws of this Island are allowed them. And whatsoever officer shall presume to extort more than by the laws aforesaid are allowed, shall forfeit Fifty Pounds sterling, one half to his Majesty for the use and defence of this Island, and the other half to the informer that shall sue for the same; and for ever after conviction thereof, be hereby deemed incapable to execute that office. And what Marshal or other officer soever shall neglect to set up and continue the table of their fees in their respective offices in this Island, within one month after publication hereof, shall for every month's neglect thereof, forfeit Ten Pounds sterling, one half to his Majesty for the use aforesaid, and the other half to the informer that shall sue for the same.

No. 11.
19 December 1688.

give four days' notice in writing on every court-door, of the effects, and of the time and place of sale. Which shall be between 10 and 14 days after attachment. Debtor may have his effects sold in lots, most for his interest. Chattels to be sold in lots, But 5 head of cattle in one lot, one copper or one still, unless otherwise appointed by the debtor. And not above 50*l.* in a lot, for all other chattels.

CLAUSE 2.
No outcries at plantations, except timber, pots, and drips, and other ponderous goods.

CLAUSE 3.
Marshal's fees for levying executions, if paid in money; but 12*s.* 6*d.* per cent. allowed for sugar.

CLAUSE 4.
Table of fees to be set up in all offices. Extortioners to forfeit 50*l.* sterling, half for the defence of this island, and half to the informer. And be deemed incapable to execute that office. Penalty on neglecting to set up and continue tables of fees in the respective offices.

No. 12.

4 August 1691.]—AN ACT for prohibiting the several Clerks of the Courts of Common Pleas within this Island, to practise as Attorneys in the Courts where they are Clerks.

WHEREAS the several Clerks of the Courts of Common Pleas within this Island, have been sometime since sworn attorneys and admitted to practise

No. 12.
4 August 1691.

No. 12.
4 August 1691.

CLAUSE 1.
No Clerk of any Court
to be a practiser in
such Court;

On pain of forfeiting
his office; be rendered
incapable for ever,
from being sworn a
Clerk to any Court, and
forfeit 50*l.* to the in-
former, and for the use
of the fortifications.

the law, and plead in those Courts where they are Clerks, which hath been found of evil consequence to such persons as have had suits depending in the said Courts, the said Clerks preferring and furthering the causes of their clients, and impeding and delaying others they were retained against, to the great obstruction and disturbance of the course of the common law, and against the good customs heretofore had and used: For remedy whereof for the future, Be it enacted by his Excellency Colonel James Kendal, Captain-General, and Commander-in-Chief of this and other the Caribbee Islands, the Honourable the Council and General Assembly of this Island, and by the authority of the same, That from and after publication of this Act, no Clerk whatsoever of any of the Courts of Common Pleas within this Island, while he continues to execute the Clerk's office, shall draw or prosecute, or be any ways as a pleader or practiser concerned in any declaration, court or action, real, personal or mixed, or any plea, replication, rejoinder, sur-rejoinder, rebutter, sur-rebutter, demurrer, or other proceedings whatsoever in the said Court, in which he is Clerk, upon pain of forfeiting his office, and being barred and excluded from being sworn a Clerk in any of the Courts of Common Pleas in this Island for ever; and shall forfeit Fifty Pounds current money, to be recovered by bill, plaint or information, in any of their Majesty's Courts of Common Pleas within this Island; the one half to the informer, the other half to their Majesties, for the use of the fortifications thereof.

No. 13.
10 February 1696.

No. 13.

10 February 1696.]—AN ACT declaring the decision of all Controverted Elections of Members to serve in the General Assembly, to be legally and rightfully in the Representatives of his Majesty's liege people of this Island.

Preamble.

WHEREAS it is the undoubted right of his Majesty's subjects of England, for their representatives in the Honourable House of Commons, to have the deciding of all controverted elections of parliament-men: And forasmuch as the government of this his Majesty's Island of Barbados doth resemble that of England as near as may be, and the Assembly here that of the House of Commons there, being composed of persons elected by the freeholders to represent them in the making of laws, and levying and raising money for his Majesty, for the public use, support and defence of this Island: And forasmuch as the differences and disputes that have arisen upon elections of the Assembly-men here, have been decided by the Assembly, until of late years some Governors have decided the same, to the great discontent of his Majesty's subjects here, whose estates may by that means be liable to be disposed of by persons not by them legally chosen their representatives: To prevent which evil for the future, and that we may in this Island come as near as may be to the English form of government in this particular, We do in behalf of his Majesty's liege and faithful subjects of this Island, pray that it be enacted and declared; and be it enacted and declared by the Honourable the * President and Council, and General Assembly of this Island, and by the authority of the same, That it is the right and privilege of the General Assembly of this Island, to judge and determine of the truth and legality of the election of any member or members chosen, where there shall be any dispute or controversy of the same; and that no practice or proceeding to the contrary hereof heretofore had or done, shall be drawn into example or precedent to the prejudice of the people of this Island; but that for the future, the truth and legality of all elections of any member or members to serve in the Assembly, when any dispute shall arise touching the same, shall be tried by the representatives of the people of this Island only; and the members of the Assembly shall by plurality of voices, decide all such controverted elections.

* Francis Bond, Esq.,
CLAUSE 1.
Legality of contro-
verted elections of As-
sembly-men, to be de-
cided by a plurality of
voices in the Assembly.

No. 14.

No. 14.
18 May 1697.

18 May 1697.]—AN ACT to disable the Judges from pleading and practising in any of the Courts of this Island.

FORASMUCH as it is very inconsistent with the honour and dignity of a Judge to be a common pleader, or to practise as an attorney at law in any of the Courts of this Island, and that such pleading is an evident debasing of their power and authority, and may introduce and be an inlet into several mischiefs, as well as enormous crimes, and illegal and undue proceedings, to the prejudice of justice and the laying open a gap for bribery: For prevention whereof, Be it enacted and ordained, and it is hereby enacted and ordained by the Honourable the President,* the Council and General Assembly of this Island and by the authority of the same, that from and after the publication of this Act it shall not be lawful for any Judge in this Island, to plead or practise in any of the Courts within the same; any former usage or custom to the contrary in any wise notwithstanding.

See Act passed 6th July, 1847.

* Francis Bond, Esq.,
Judges prohibited from pleading or practising in any Court within this Island.

No. 15.

No. 15.
1 November 1707.

1 November 1707.]—AN ACT appointing an Oath to be taken by Executors, Administrators, and Guardians.

[Preamble and clause 4 inoperative.]

BE it enacted by his Excellency, Mitford Crowe, esquire, her Majesty's Captain-General, and Governor-in-Chief of the Islands of Barbados, St. Lucia, Dominico, St. Vincent, and the rest of the islands, colonies, and plantations in America, lying, and being to windward of Guadaloupe, which now are, or hereafter shall be under her Majesty's subjection and government, the honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that from and after the publication of this Act, every executor, administrator, or guardian, before he shall obtain letters testamentary, letters of administration, or letters of guardianship, shall, before the Secretary of this Island for the time being, take the following oath, viz.—

CLAUSE 1.
Every executor, administrator or guardian, before letters testamentary, &c. are granted, shall take the following oath.

" I A. B. do swear, as I am executor or executrix of the last Will and Testament of C. D. (administrator or administratrix of the goods, and chattels of C. D.) (or guardian of the estate of C. D.) [as the case shall require] that I will return into the Secretary's office of this Island, a true and full inventory of all the estate of C. D. as it comes to my hands or possession; and that I will faithfully administer all the said estate, and be accountable for the same, and the profits thereof, when thereunto legally required; and that I will not, to the best of my skill and power, suffer any of the estate to be fraudulently levied upon and sold, or otherwise disposed of unlawfully, unnecessarily, or at [an] under value.

The Oath.
Vid. the condition of the bond to be entered into by administrators in Act No. 23.

" So help me God."

And be it further enacted by the authority aforesaid, That in case any married woman, exclusive of her husband, is, or shall be appointed an executrix, administratrix, or guardian, before letters testamentary, letters of administration, or letters of guardianship shall be granted to the wife, she shall take the above-mentioned oath, and also her husband shall, before the Secretary of this Island for the time being, take the following oath, viz. :—

CLAUSE 2.
If a married woman is appointed executrix, administratrix, or guardian, before letters are granted, she shall take the above oath, and her husband this following.

" I A. B. do swear, as my wife is executrix of the last Will and Testament of C. D. (administratrix of the goods and chattels of C. D.) (or guardian of the estate of C. D.) [as the case shall require] that I will cause my said wife to return into the Secretary's office of this Island, a true and full inventory of all

The Oath.

No. 15.
1 November 1707.

Secretary impowered
to administer the
oath.

CLAUSE 3.
Where a woman is
appointed executrix,
&c., and after letters
testamentary, &c. are
issued, marries, her
husband, within 20
days after such inter-
marriage, shall take
the last oath; in case
of refusal, the said
letters, as far as con-
cern the husband and
wife, shall, during
the coverture, be void.

" the estate of the said C. D. as it comes to her, or my hands or
" possession; and that I will faithfully administer all the said
" estate and be accountable for the same, and the profits thereof,
" when thereunto legally required; and that I will not, to the
" best of my skill and power, suffer any of the said estate to be
" fraudulently levied upon and sold, or otherwise disposed of
" unlawfully, unnecessarily, or at an under value.

" So help me God."

Which several oaths the Secretary of this Island for the time being, is hereby impowered to administer to all and every person and persons whatsoever, who by virtue of this present Act is, are, or shall be obliged to take the same respectively.

And be it further enacted by the authority aforesaid, That in all cases where [any] woman residing within this Island, that is or shall be appointed an executrix, administratrix, or guardian, shall, after the issuing of letters testamentary, letters of administration, or letters of guardianship, marry, the husband, within twenty days after the intermarriage, shall, before the Secretary of this Island for the time being, take the oath appointed to be taken by the next immediately foregoing Clause of this Act; and in case the said husband shall refuse or neglect to take the said oath within the time hereby limited for that purpose, the said letters testamentary, letters of administration, or letters of guardianship, as far as concerns the said husband and wife, shall, during the coverture between them, cease, determine, and become utterly void, to all intents, constructions, and purposes in the law whatsoever.

No. 16.
26 April 1708.

No. 16.

26 April 1708.]—AN ACT appointing a Committee for settling the Public Accounts of this Island; and appointing the Officers' Salaries of the Treasury, and Excise on Strong Liquors.

[Clauses 8, 9, and 16 repealed, except proviso to 8th Clause.]

Preamble.

WHEREAS several public debts due to the country remain unpaid and unsettled, to the great hindrance and retarding the completing the fortifications and other conveniences tending to the good safety and welfare of this place and people: It is therefore enacted by his Excellency Mitford Crowe, esquire, Captain-General and Governor-in-Chief of the Islands of Barbados, St. Lucia, Dominico, St. Vincent, and the rest of her Majesty's Caribbee Islands, lying and being to windward of Guadaloupe, which now are, or hereafter shall be, under her Majesty's subjection or government, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that the Honourable Pat Mein, Thomas Alleyne, John Hallet, and John Colleton, esquires, members of her Majesty's Council, the Honourable Richard Downes, Thomas Maxwell, Thomas Maycock, William Grant, Thomas Beckles, and Edmund Sutton, esquires, members of the Assembly, or any six of them, whereof one of the members of the Council, if present, to be Chairman; and if none of the members of the Council do appear, then the next person nominated of the Assembly and present to preside: are hereby authorized, and appointed a Committee for examining all the public accounts of this Island, and all other accounts, matters, and things relating to the treasury, or stores of the magazine, which have, or shall come to the hands or custody of any keeper of the stores of the magazine, or any other person or persons whatsoever, which are, or shall be unsettled; which said Committee shall also account with any Treasurer or Treasurers, their deputy and deputies, and every of them, their executors and administrators.

CLAUSE 1.

Four Members of the
Council, and six Mem-
bers of the Assembly,
to be the Committee.

But any six of them
shall be a Quorum for
the purposes of this
Act.

Provided always, that no member of the Council or Assembly, who have any accounts depending to be adjusted by the said Committee, shall act as a member thereof on the adjustment of their own accounts; and whatsoever the said Committee shall, from time to time, do therein, they shall every two months, or oftener if required, report, *viz.*, the members of the Committee chosen by the Governor and Council, to the Governor, or Commander-in-Chief for the time being, and Council, and those chosen by the Assembly, to the Assembly for the time being.

And be it further enacted and ordained by the authority aforesaid, that the said Committee have hereby full power and authority to grant execution against any person or persons whatsoever, their executors, administrators or attorneys, that are any ways indebted as aforesaid; and to command all books of accounts, or writings of any debtor or debtors before them, whereby proof or discovery may be made of any such debt or debts so due to the public; and to administer oaths to any person or persons whatsoever, as witnesses for manifesting the truth; and in all these particulars to have full authority to call before them all persons, papers, and records; and upon contempt, neglect, or refusal of any person or persons to appear upon any summons from the said Committee, to punish with imprisonment.

Provided always, that the said Committee have a special regard to poor debtors; as also such persons as have lost their receipts, and can by reasonable circumstance make it appear they have at any time paid such sum or sums of money, which they are charged to be in arrear.

Provided also that every receiver and receivers of any levy or tax, by any Act or Acts made in, or since the year of our Lord one thousand six hundred and eighty, and that have not already accounted, be still accountable to this Committee for any sum or sums for which they justly stand chargeable.

And whereas great partiality hath been heretofore practised, both in the issuing and payment of orders drawn on the Treasurers of this Island to the destruction of the public faith; and to the end equal right may be done to all persons, and that the Assembly may know how the state of the public revenue stands, that they may from time to time raise such further supply as her Majesty's service and the necessity of this Island shall require: Be it enacted by the authority aforesaid, That the Secretary or Clerk of the Council for the time being, shall hereafter keep a book wherein only shall be entered all such orders as shall be passed by the Governor, or Commander-in-Chief, with the consent of the Council for the time being, for any moneys to be paid out of the public treasury, therein mentioning to whom payable, and for what such order is drawn, with the date thereof and number; which book shall be laid open for the inspection of the Clerk of the Assembly, and Clerk of the Committee of Public Accounts, who are hereby empowered and required to take copies thereof at all, or any time or times on such days and hours as the Secretary's office is regularly open.

And be it also enacted by the authority aforesaid, That all orders that shall be passed for the payment of any sum or sums of money, when passed shall be paid in course, according to the priority of their respective dates; excepting such orders as shall be for the extraordinary immediate and emergent service of the country. And to the end no mistake may be made, the Secretary is hereby required, under the penalty of forfeiting One Hundred Pounds, to number every order, and deliver to the Treasurer or his order, as often as demanded, a schedule of the number of such orders from time to time, after the passing thereof, to be set up in a table for public view at the Treasurer's office.

And be it further enacted by the authority aforesaid, That whensoever any petition for money shall be put into the hands of the Clerk of the Assembly for the time being, or his lawful deputy, to be laid before the Assembly, he shall forthwith endorse his name on the back thereof, and date the same on the very day of the receipt thereof; and each petition

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Proviso.
No member to sit, who has any accounts of his own to settle.
Committee to report their proceedings to the Governor, Council, and Assembly.

CLAUSE 2.
They have power to grant execution against all persons indebted, and to command all books, paper, &c., of any debtor, to make full proof and discovery of the truth, &c.

Proviso.
Regard to be had to poor debtors, and to such who have lost their receipts, and can make it appear they have paid their levies.
Proviso.
Receivers of any tax since 1680, accountable to this Committee.

CLAUSE 3.
Secretary to keep a particular account of all orders passed by the Governor and Council, for moneys to be paid out of the treasury, to be inspected by the Clerk of the Assembly, and Clerk of this Committee, who are to take copies thereof.

CLAUSE 4.
Orders to be paid in course, according to priority of dates; except such as are for extraordinary services.
Secretary to number every order, under the penalty of 100*l.*; and to deliver a list thereof to the Treasurer, to be publicly set up in his office.

CLAUSE 5.
Clerk of the Assembly to endorse and date all petitions for money, on the receipt thereof.
Which shall be passed, referred, or rejected,

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in due course.

Petitions on which money is reported, by a Committee, to be due, shall if approved by the House, be passed without delay.

The same method to be observed by the Council and their Clerk, on all addresses from the Assembly for money.

Clerk of the Council, or Assembly, neglecting their duty, to forfeit 50*l*.

Treasurer giving preference to orders of later dates, obliged to pay those that are prior, out of his own estate; recoverable as servant's wages.

CLAUSE 6.
Members of the Committee, consenting to pass any orders to the Treasurer's credit, that are not regularly issued and paid, shall respectively forfeit the full value thereof.

CLAUSE 7.
But taxes may be discounted out of orders, though such orders do not come in course of payment.

Duty of excise only excepted.
Proviso.
Such Treasurer or Comptroller to be annually elected by the Assembly, and approved by the Governor and Council.

CLAUSE 10.
Vacancies in the Committee, on the part of the Council or of the Assembly, shall be respectively supplied by election.

CLAUSE 11.
Persons refusing or neglecting to deliver any papers, &c.

shall be read and passed, or referred to a Committee to be examined or rejected before any other petition of a later date; and if the committee to which such petition shall be referred shall report any sum of money due to the petitioner or petitioners, and the same be approved of by the House, it shall then be passed without any manner of delay; and the person officiating as Secretary, or Clerk of the Council for the time being, shall in like manner endorse his name on all addresses from the Assembly for money, and date them on the very day of the receipt thereof respectively; and each address is to be read and passed by the Governor and Council, or Commander-in-Chief and Council, or disallowed before any address of a later date; and in case the Secretary, Clerk of the Council, or Clerk of the Assembly for the time being, shall not perform the duty by this Act required of him or them, he or they shall for every offence forfeit the sum of Fifty Pounds current money: and in case the Treasurer for the time being shall pay any such order for money of a later date before any other order of a prior date, (except as before excepted,) he shall be obliged to pay on demand all such orders of a prior date, or the party or parties grieved, on complaint to the next Justice of the Peace, shall recover the same, as in case of servant's wages; and the Treasurer's own proper estate shall be liable to make satisfaction of every such recovery.

And be it further enacted by the authority aforesaid, That if the said Committee, or any other committee of Public Accounts for the future, shall presume on accounting with any Treasurer of this Island, from and after the publication of this Act, to pass or allow any other order or orders to the credit of any Treasurer or Treasurer's account or accounts, but only such as shall be regularly issued and paid according to their respective numbers in course, and the priority of their dates, (except as before excepted,) in all such cases the said Committee or Committees, or as many of them as shall consent thereto, are hereby respectively made liable to the forfeiture of the full value of every such order or orders so given credit for.

Provided always and it is hereby enacted, That all and every Treasurer or Treasurers, is and are hereby strictly enjoined, where the public appear justly indebted to any private person or persons by an order regularly obtained, to discount so much of the said order as the tax or taxes, that the owner or owners of such order or orders, or any of them, are in their own right only assessed by such public tax or levy, notwithstanding the said order or orders of such person or persons do not come in course regularly to be paid; excepting only the duty of excise on wines and other strong liquors imported into this Island.

Provided always, that such Treasurer or Treasurers, Comptroller or Comptrollers be annually nominated by the General Assembly of this Island, and approved of by the Governor and Council, or Commander-in-Chief and Council for the time being.

And be it further enacted by the authority aforesaid, That if any member or members of the Committee for settling the Public Accounts of this Island, who are or shall be members of the Council, shall happen to die or depart this Island, or be suspended from the Council, then other member or members of the Council shall be elected into his or their place or places in the said Committee; and in like manner if any member or members of the Committee for settling the Public Accounts of this Island, who are or shall be members of the General Assembly, shall happen not to be elected into the Assembly, upon any election of Assemblymen for the future, such member or members shall cease to be any longer a member or members of that Committee; and the Assembly for the time being, shall elect another member or members of the Committee, into his or their place or places.

And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, shall detain any of the public papers, writings, or accounts belonging to the said Committee, in their custody,

and wilfully refuse, or neglect to deliver them, then the Chairman of the said Committee shall have power, and is hereby fully authorized to command any such papers, writings, or books of account to be delivered up unto him the said Chairman; and on such refusal, or neglecting so to do, the said Chairman, with the advice and consent of the majority of the said Committee, is hereby impowered to commit such person or persons so refusing or neglecting, to the common gaol of this Island, there to remain until he, she, or they conform thereto.

And be it further enacted by the authority aforesaid, That the said Committee are hereby impowered to appoint a Clerk and Marshal to attend, summon, and execute their lawful orders and executions, in keeping the accounts, and prosecution of the premises; and that the Clerk be allowed for his salary, Fifty Pounds current money per annum, and the Marshal the sum of Twenty Pounds per annum, to be paid half-yearly, out of the public treasury aforesaid; and the said Clerk, before he be admitted to execute such office, shall give security in a bond of Five Hundred Pounds current money of this Island, to the Governor or Commander-in-Chief of this Island, for the time being, and his successors, with two good and sufficient securities, for the safe keeping and preserving the books of accounts of this Island, which shall be delivered into his custody and entrusted with him; as also for the faithful execution and performance of his duty, as Clerk to the said Committee.

And be it further enacted by the authority aforesaid, That if any member of the Committee of Accounts shall absent himself, and not attend his duty at the said Committee according to adjournment, without lawful excuse, such member so neglecting his duty, shall forfeit and pay the sum of Twenty Shillings, to the chairman of the said Committee for the time being, towards the expence and entertainment of the said Committee; and the chairman of the said Committee is hereby impowered and required to issue execution against such defaulter, directed to any constable, to be levied for as in case of servant's wages.

And whereas it is thought reasonable that the expences of the said Committee, for their accommodation at all times during their immediate service of the public be borne at the public charge; Be it therefore enacted by the authority aforesaid, That a sum of money, not exceeding the sum of Five Pounds current money, per diem, and no more, be allowed and paid out of the public treasury, for the accommodation of the said Committee, during their actual sitting in the said service.

And be it further enacted by the authority aforesaid, That all and every the penalties and forfeitures imposed by virtue of this Act, shall be and are hereby to her Majesty, her heirs, and successors, to be appropriated as follows, viz., the one moiety or half part thereof, to and for the use of the fortifications of this Island, and the other moiety or half part to the informer; and to be recovered as in case of servant's wages.

No. 16.
26 April 1708.

belonging to the Committee, may be committed by the Chairman, with consent of the majority of the said Committee.

CLAUSE 12.

Committee impowered to appoint a Clerk and Marshal.
Salary of the Clerk 50*l*. per annum and 20*s*. per annum for the Marshal.
Clerk to give 500*l*. security for the faithful performance of his duty.

CLAUSE 13.

Members of the Committee neglecting their duty to forfeit 20*s*. towards the entertainment of the Committee.

Chairman to issue executions against defaulters as in case of servant's wages.

CLAUSE 14.

The sum for their entertainment not to exceed five pounds per day.
How to be paid.

See No. 21.

CLAUSE 15.

Forfeitures, how to be applied.

No. 17.

11 May 1708.]—AN ACT for the encouragement of such as shall entertain the Gentlemen of the Committee of the Public Accounts of this Island.

No. 17.
11 May 1708.

WHEREAS by an Act bearing date the Twenty-sixth day of April, One thousand seven hundred and eight, appointing a Committee for settling the Public Accounts of this Island, it is amongst other things appointed, that the gentlemen of the said Committee for settling the Public Accounts of this Island, shall be entertained at the public charge of the Island, not exceeding Five Pounds sterling per day, while they are sitting about the public affairs; but therein no provision is made how any person

No. 17.
11 May 1708.

CLAUSE 1.

The Treasurer, once in every month, to pay off all accounts for entertaining the Committee, not exceeding 5*l*. per day, for every time they sit; upon a certificate under the hands of the said Committee, without any further order.

shall be paid who shall accommodate the said Committee: Wherefore be it enacted by his Excellency Mitford Crowe, esq., Captain-General and Governor-in-Chief of this and other the Caribbee Islands that now are or hereafter shall be under her Majesty's subjection and government, the Honourable the Members of her Majesty's Council, and General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Treasurer of this Island for the time being, and he is hereby required, once in every month to pay off all such accounts as shall be presented to him, for entertaining the Committee of Public Accounts of this Island, out of any the public money in his hands, not exceeding Five Pounds sterling per day for every time the said Committee shall sit; upon a certificate under the hands of the said Committee or major part of them, without any further order or ceremony whatsoever; any law, usage, or custom to the contrary in anywise notwithstanding.

No. 18.
9 June 1713.

No. 18.

9 June 1713.]—AN ACT relating to the Spring or Rivulet called the Three-Houses Spring, in the Parish of St. Philip's.

Preamble.
See Act of 16th
January 1872.

CLAUSE 1.

The adjacent inhabitants, through whose lands the said rivulet runneth, may make a dam and detain the water for his or their own use. Provided no such dam, &c. dry the river below them; but a stream always to be kept running to Brown's pond, which is to be kept full by the Surveyors, if the proprietor do not debar any person from watering his flock thereat.

No person to make a dam, or keep any branch of the said river in this land, longer than 48 hours at a time; but break the same down, that the person next below him may enjoy the

WHEREAS it hath been constantly experienced to be the wisdom of our ancestors of all nations, to preserve, promote, and confirm by wholesome laws, the benefits, blessings and emoluments granted to us for the general use, advantage, and public interest of the subject; and whereas some of the ancient inhabitants of the parish of St. Philip in the said Island of Barbados have with united charge, labour and industry, dug and drawn a rivulet in the said parish, commonly called the Three-Houses Spring, as well for the benefit of the adjacent inhabitants through whose lands it did naturally tend, and whose interests by means whereof, in extreme wet years did most and greatly suffer; as also for the common and free use and service of the same in very dry years, when the poor inhabitants nor their stock can subsist, without partaking of such a blessing; which being lately altered, diverted, stopped, and rendered useless, and many poor families thereby reduced to great necessities and miseries, against the general service and benefit of the inhabitants of the said parish; for remedy whereof, and the prevention of the like abuses for the future, Be it enacted by his Excellency Robert Lowther, esq., Captain-General and Governor-in-Chief of this and other the Caribbee Islands, &c., the Honourable the Members of her Majesty's Council, and the General Assembly of this Island and by the authority of the same, That from and after publication of this Act it shall, and may be lawful for all or any the said adjacent inhabitants, through whose lands the said rivulet runneth, to make such a reasonable dam, and detain and draw off the said water into his or their channel, ditch, or pond or other necessary use, as he or they shall think most proper for his or their occasion: Provided that no such dam, drain, or channel be so taken as thereby to dry the river below them, but that there shall be always a stream kept running down the said river [or] channel, to a pond situate at the end of the said river's course, commonly called Brown's pond; which pond shall be always kept full by the surveyors of the said parish for the public use; provided the owner or proprietor of the said pond do not debar any person from watering thereat, but that at all times it may and shall be free for any the said parishioners to water their stock thereat.

And it is hereby further provided, That it is the intent and meaning of this Act, that no person or persons whatsoever shall at any time make a dam, or keep any branch or drain of the said river into his land, longer than the space of eight and forty hours at a time, but then shall break down his said dam, or stop his said channel or channels that did convey the said water into his pond or other receptacle, and thereby permit the river to run without let, so that the person next below him and adjacent

with the river, may have the like opportunity and advantage for the like limited times; and so successively each adjacent person, as they fall in course along the banks of the said river: and that any two Justices of the Peace of the said parish shall, and are hereby authorized and fully empowered from time to time as oft as occasion shall require, to summon and command the sworn Surveyors of the Highways, or any two of them, to view the said rivulet, stream, or water-course issuing and running from the spring of water, commonly called the Three-Houses Spring, and order that the said Surveyors run, lay out, and appoint the said rivulet, or stream to be run and carried in manner aforesaid, and in the same channel, and through the same land and plantations as formerly, when first dug, and since continued and used, without the let, hindrance, alteration or disturbance of any person or persons whatsoever, except as above expressed; and that it shall and may be lawful and free for such of the said inhabitants as are willing and desirous to promote the common good and benefit of the said parish, together with the Surveyors aforesaid, to have free liberty, licence and power, at the direction, order and appointment of the said Justices and Surveyors, to clear, cleanse, open, cut, and scour the said rivulet, stream, or water-course, in order to make it more useful, beneficial and commodious to the said inhabitants, as well in general as adjacent, without prejudice to the lands and plantations of any particular adjacent person. And further, if it shall be for the greater benefit and public advantage of the inhabitants aforesaid, such Justices and Surveyors as aforesaid, are hereby empowered to order the said rivulet to be farther opened and enlarged, cut, cleared, mended and reformed, as to their judgment and discretion shall seem just and reasonable, and to make the same more useful and commodious; and also to prevent the same from overflowing, and becoming in great rains and floods injurious, or any ways prejudicial to the lands and plantations of the said adjacent inhabitants, as frequently heretofore hath been to their great damage; and to cause such ponds or sucks to be dug from time to time, at the charge of the said adjacent inhabitants of the parish, as may render the same effectual and useful to the public.

And it is hereby further enacted, That it shall and may be lawful for the said Justices, on complaint of any of the inhabitants aforesaid, that they or any of them are hindered, letted, prejudiced, injured, opposed or prevented in the works aforesaid, or of any nuisance, to do all such lawful acts and things as may be thought necessary to preserve the peace, and punish offenders against this law, according as the same shall appear just and legal unto them: and for the free use thereof it shall and may be lawful for the said Justices, to and with the Surveyors aforesaid, at all time and times as it shall appear expedient, to lay out such convenient and fit foot-path or foot-paths, not exceeding two feet in breadth, by the side of the said river or water-course, as they in prudence shall think proper, for the free use and access to the rivulet or water-course, and to all and every the necessary and convenient parts thereof.

And it is hereby further enacted by the authority aforesaid, That upon any complaint relating to this Act, made to the said Justices, that it shall and may be lawful for them, and they are hereby required and authorized, to summon the said Surveyors, and appoint and order them how, and in what manner the rivulet, stream, or water-course aforesaid shall run or be laid out, under the penalty of One Hundred Pounds, and this is to be done within six days after complaint made; and the said Surveyors are also hereby required to run and lay out the said rivulet, stream, or water-course, in four days after order of the said Justices, in such manner as shall be by them directed and ordered, under the like penalty of One Hundred Pounds to be recovered as in case of servant's wages; and also all such fines, forfeitures, and penalties as shall at any time be laid and imposed on any offender against this Act, shall be recovered as in case of servant's wages as aforesaid, the one half to her Majesty, and the other half to the informer.

same advantage, the like limited time. Any two Justices of St. Philip's parish, to command the Surveyors to view and appoint the stream to be run and carried, as aforesaid, in the same channel, and through the same lands as when first dug, and since continued; without alteration or disturbance.

Any of the inhabitants, together with the Surveyors, by the appointment of the Justices and Surveyors, to clear, open, and scour the said water-course, to make it more useful in general, without prejudice to any particular person. Such Justices and Surveyors may order the rivulet to be farther opened and enlarged to make it more useful. And to prevent the same from overflowing and becoming injurious to the adjacent lands; and to cause ponds or sucks to be dug, at the expence of the adjacent inhabitants.

CLAUSE 2.
On complaint of any the inhabitants aforesaid, that they are opposed, or prevented in the execution of this Act; or on complaint of any nuisance, the said Justices shall take all legal methods to punish offenders. Justices and Surveyors to lay out footpaths, not exceeding two feet in breadth by the river's side, for the free use of, and access to the watercourse.

CLAUSE 3.
Upon any complaint made to the said Justices relating to this Act, they are within six days to summon the Surveyors, and order in what manner the water-course shall run, under the penalty of 100*l*.

And the Surveyors shall obey such order within four days, under the like penalty, to be recovered as servant's wages. As shall also all forfeitures incurred by this Act, one half to her Majesty and the other to the informer.

No. 18.
9 June 1713.

CLAUSE 4.
The owner or possessor of Braithwaite's estate, allowed to detain the water for his own use, under the regulations prescribed in this Act, seventy-two hours, instead of forty-eight hours, as is allowed to other persons.

Whereas the said spring runneth first through the estate of John Braithwaite deceased, it is therefore thought reasonable that the said estate should have a greater advantage from the said rivulet or spring, than others; Be it therefore enacted by the authority aforesaid, That the owner or possessor of the said estate for the time being, shall and may make such a reasonable dam, and detain and draw off the said water into his channel, ditch or pond, or for any other necessary use, after the same manner, and under the same provisos, limitations and conditions, as is in this Act before-mentioned and expressed, for the space of seventy-two hours, instead of forty-eight hours, which is allowed to other persons in this Act, and not otherwise.

No. 19.
11 January 1714.

No. 19.

11 January 1714.]—AN ACT for the better settling Intestate's Estates; and for enabling Fathers to dispose of the custody of their Children during their minority.

Preamble.

WHEREAS divers good and wholesome laws have been made, and are now in full force in that part of the kingdom of Great Britain heretofore called England, for the better settling and distribution of the intestate's estates; and fathers are there enabled to dispose of the custody of their children during their minority: And whereas the Ordinaries of this Island have sometimes acted conformably to the said laws now in force in England, in the granting of the administration of intestate's estates, and in allowing fathers to dispose of the custody of their children; and at other times have thought fit not to regulate themselves by the said laws, and acted contrary thereto, whereby many and great inconveniences have happened to the inhabitants of this Island; to the intent therefore that all uncertainty herein may be removed, and the said inconveniences prevented for the future, Be it enacted and ordained, and it is hereby enacted and ordained, by the Honourable William Sharp, esq., President of his Majesty's Council, and Commander-in-Chief of this and other the Caribbee Islands to windward of Guadaloupe, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that from and after publication hereof, in case any person or persons die intestate, or that the executors named in any testament, refuse to prove the said testament, then the Ordinary of this Island for the time being, shall prove the administration of the goods of the testator or person deceased, to the widow of the said person deceased, or to the next of his kin, or to both, as by the discretion of the same Ordinary shall be thought good, taking security of him or them to whom shall be made such commission, for the true administration of the goods, chattels and debts, which he or they shall be so authorized to administer: And in case where divers persons claim the administration, as next of kin, which be equal in degree of kindred to the testator, or person deceased; and where any person only desireth the administration of next of kin, where indeed divers persons be in equality of kindred, as is aforesaid; that in every such case the Ordinary to be at his election and liberty to accept any one or more making request, where divers do require the administration; or where but one or more of them, and not all being in equality of degree, do make request, then the ordinary to admit the widow, and him or them only making request, or any one of them at his pleasure.

CLAUSE 1.
Where persons die intestate, &c., the Ordinary to grant administration to the widow, or next of kin, or both, taking security for the faithful discharge thereof.
See 31 Ed. 3, St. 1. c. 11; 21 Hen. 8, c. 5.

Where one or divers claim right of administration, as equal in degree of kindred, the Ordinary may accept any one or more; or where they are not in equal degree, to admit the widow, and any other or others, at his pleasure.

CLAUSE 2.
Bond to be entered into by administrators, with sufficient sureties.
See 22 and 23 Car. 2, c. 10.

And be it further enacted by the authority aforesaid, That the Ordinaries of this Island for the time being, shall and may, upon their respective granting and committing of administration of the goods of persons dying intestate after the publication hereof, of the respective person or persons, to whom any administration is to be committed, to take sufficient bonds, with two or more able sureties (respect being had to the value of the estate) in the name of the Ordinary, to the said Ordinary

and his successors, with the condition in form and in manner following,
mutatis mutandis, viz :—

No. 19.
 11 January 1714.

The form of the bond.
 The Oath of an executor, administrator, and guardian.

“THE condition of this obligation is such, that if the above bounden
 “A. B. administrator of all and singular the goods, chattels and
 “credits of C. D. deceased : do make or cause to be made, a true
 “and perfect inventory of all and singular the goods, chattels,
 “and credits of the said deceased, which have or shall come to
 “the hands, possession, or knowledge of him the said A. B. or
 “to the hands and possession of any other person or persons for
 “him ; and the same so made do exhibit, or cause to be ex-
 “hibited, in the Secretary's office of this Island, within thirty
 “days next ensuing ; and the same goods, chattels and credits,
 “and all other the goods, chattels and credits of the said
 “deceased, at the time of his death, which at any time after
 “shall come to the hands or possession of the said A. B. or into
 “the hands and possession of any other person or persons for
 “him, do well and truly administer according to law ; and
 “further do make or cause to be made a true and just account
 “of his said administration, within ten calendar months now
 “next ensuing ; and all the rest and residue of the said goods,
 “chattels and credits, which shall be found remaining upon the
 “said administrator's accounts, shall deliver and pay unto such
 “person or persons respectively as the Court of Chancery in
 “this Island, established by their decree, pursuant to the true
 “intent and meaning of this Act, shall limit and appoint :
 “And if it shall hereafter appear, that any last will and testa-
 “ment was made by the said deceased, and the executor or
 “executors therein named do exhibit the same into the said
 “Secretary's office, making request to have it allowed and
 “approved accordingly, if the said A. B. above bounden, being
 “thereunto required, do render and deliver the said letters of
 “administration (approbation of such testament being first had
 “and made in the said Secretary's office), then this obligation to
 “be void, and of none effect ; or else to remain in full force and
 “virtue.”

Which bonds are hereby declared and enacted to be good to all intents and purposes, and pleadable in any Courts of Justice ; and also that the said Court of Chancery shall and may, and is enabled to proceed and call such administrators to account, for and touching the goods of any person dying intestate ; and upon hearing, and due consideration thereof, to order and make just and equal distribution of what remaineth clear, after all debts, funerals, and just expences of every sort first allowed and deducted, amongst the wife and children, or children's children, if any such be, or otherwise, to the next of kindred to the dead person, in equal degree, or legally representing their stocks *pro suo cuique jure*, according to the laws in such cases, and the rules and limitation hereafter set down ; and the same distributions to decree and settle, and to compel such administrators to observe and pay the same by due course of his Majesty's ecclesiastical laws ; saving to every one supposing him or themselves aggrieved, their right of appeal, as was always in such cases used.

Court of Chancery may call administrators to account, touching the goods of intestates ; may order equal distribution amongst the wife and children, or the next of kin, in equal degree, &c., and may compel administrators to observe the same. See No. 28 where this is altered

Persons aggrieved have right to appeal.

Provided always and be it enacted by the authority aforesaid, That the said Court of Chancery shall distribute the whole surplusage of the estate of any person dying intestate, in manner and form following : that is to say, one third part of the said surplusage to the wife of the intestate, and all the residue, by equal portions, to and amongst the children of such persons dying intestate, and such persons as legally represent such children in case any of the said children be then dead, other than such child or children, not being heir-at-law, who shall have any estate by the settlement of the intestate, or shall be advanced by the intestate in his life-time, by portion or portions equal to the share which shall by such distributions be allotted to the other children, to whom such dis-

CLAUSE 3.
 How the surplusage of intestate's estates shall be distributed by the Court of Chancery. Vid. 22 and 23 Car. 2, ch. 10, and Vid. Strange 710, where there is a wife, mother, and brothers, but no children.

No. 19,
11 January 1714.

See No. 28.

tribution is to be made. And in case any child, other than the heir-at-law, who shall have any estate by settlement from the intestate, or shall be advanced by the said intestate in his life-time, by portion not equal to the share which will be due to the other children by such distribution as aforesaid, then so much of the surplusage of the estate of such intestate, to be distributed to such child or children as shall have any land by settlement from the intestate, or were advanced in the life-time of the intestate, as shall make the estate of all the said children to be equal, as near as can be estimated; but the heir-at-law, notwithstanding any land or other real estate that he shall have by descent or otherwise, from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land or other real estate which he hath by descent or otherwise, from the intestate; and in case there be no children, nor any legal representatives of them, then one moiety of the said estate to be allotted to the wife of the intestate; the residue of the said estate to be distributed equally to every of the next of kindred of the intestate, who are in equal degree, and those who legally represent them; provided that there be no representation admitted amongst collaterals, after brother's and sister's children; and in case there be no wife, then all the said estates to be distributed equally to and amongst the children; and in case there be no child, then to the next of kindred, in equal degree of or unto the intestate, and their legal representatives as aforesaid; and in no other manner whatsoever.

CLAUSE 4.
No distribution to be made until a year after the intestate's death. See 22 and 23 Car. 2, c. 10.
And every person entitled to any share, shall give bond for the payment of just debts, if any such appear, in equal proportions.

Provided also, and be it likewise enacted by the authority aforesaid, to the end that a due regard be had to creditors, That no such distribution of the goods of any person dying intestate be made till after one year be fully expired after the intestate's death; and that such and every one to whom any distribution and share shall be allotted, shall give bond, with sufficient sureties to the said Ordinaries, in the name of the said Ordinaries, and to the said Ordinaries and their successors, that if any debt or debts truly owing by the intestate, shall be afterwards sued for and recovered, or otherwise duly made to appear, that then and in every such case, he or she shall respectively refund and pay back to the said administrator, his or her ratable part of that debt or debts, and of the costs of suit and charges of the administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said administrator to pay and satisfy the said debt or debts so discovered after the distribution made as aforesaid.

CLAUSE 5.
Where it hath been usual to grant administration with the will annexed, the practice shall be continued; and the will performed. Vid. 22 and 23 Car. 2, c. 10, s. 9.

Provided always, and be it enacted by the authority aforesaid, That in all cases where the Ordinary hath used heretofore to grant administration *cum teste annexo*, he shall continue so to do; and the will of the deceased in such testament expressed, shall be performed and observed in such manner, as it should have been if this Act had never been made.

CLAUSE 6.
This Act not to extend to Fême-coverts who die intestate; but their husbands shall have administration, and enjoy their personal estates.

Provided always, and be it declared by the authority aforesaid, That neither this Act nor anything therein contained shall be construed to extend to the estates of Fême-coverts that shall die intestate; but that their husbands may demand and have administration of their rights, credits, and other personal estates, and recover and enjoy the same, as they might have done before the making of this Act.

CLAUSE 7.
Fathers may dispose of the custody and tuition of their children, during their minority; to any person in possession or remainder, other than Popish recusants.

And be it further enacted by the authority aforesaid, That where any person hath or shall have any child or children under the age of one and twenty years, and not married at the time of his death, that it shall and may be lawful to and for the father of such child or children, whether born at the time of the decease of the father, or at any time *in ventre sa mère*; or whether such father be within the age of one and twenty years, or of full age, by his deed executed in his life-time, or by his last will and testament in writing, in the presence of two or more credible witnesses, in such manner, and from time to time, as he shall respectively think fit, to dispose of the custody and tuition of such child or children, for and during such time as he or they respectively remain under the age of one

and twenty years, or any lesser time to any person or persons in possession or remainder, other than Popish recusants; and that such disposition of the custody of such child or children, from and after publication of this Act, shall be good and effectual against all and every person and persons claiming the custody or tuition of such child or children, as guardian in soccage or otherwise; and that such person or persons to whom the custody of such child or children hath been or shall be so disposed or devised as aforesaid, shall and may maintain an action of ravishment of ward or trespass, against any person or persons which shall wrongfully take away or detain such child or children, for the recovery of such child or children; and shall and may recover damages for the same in the said action, for the use and benefit of such child and children.

And be it further enacted, That such person or persons to whom the custody of such child or children hath been or shall be so disposed or devised shall and may take into his and their custody, to the use of such child or children, the profits of all lands, tenements, and hereditaments of such child or children; and also the custody, tuition, and management of the goods, chattels and personal estate of such child or children, till their respective age of one and twenty years, or any lesser time, according to such disposition aforesaid; and may bring such action or actions in relation thereunto, as by law guardian in common soccage might do.

Provided also that this Act or anything therein contained, shall not extend to discharge any apprentice from his apprenticeship.

No. 19.
11 January 1714.

Vid. 12 Car. 2, c. 24, and the next clause.
And such disposition shall be effectual against all persons claiming the custody of such children. And such person to whom the custody is so disposed, may maintain an action of trespass, &c., for the recovery of the children, if taken away; and may recover damages for their benefit.
CLAUSE 8.
Their estates to be under the direction of their guardians.

Proviso.
This Act not to discharge any apprenticeship.

No. 20.

No. 20.
15 August 1719.

15 August 1719.]—AN ACT to Quiet the minds of the Inhabitants of this Island, against the terrors and apprehensions they lie under of a Spiritual Court; and to provide that no Ecclesiastical Law, or Jurisdiction, shall have power to enforce, confirm, or establish any penal Mulct or Punishment in any case whatsoever, within this Island.

WHEREAS an attempt has been lately made to erect a Spiritual Court in this Island; and also it is said, and a common clamour is made, that there is yet a design to introduce such Court here; and the inhabitants of this Island are much alarmed and disquieted thereat: And whereas such Court, if the same should be suffered to be erected here, will clash with the municipal laws of this Island, embarrass the government, vex and torment the gentry, depauperate the substantial freeholders, and ruin the common people: Now for the quieting the minds of the inhabitants of this Island, against the terrors and apprehensions they lie under of such Spiritual Court, and preventing the mischiefs aforesaid; be it enacted by his Excellency, Robert Lowther, esquire, his Majesty's Captain-General and Governor-in-Chief of this and other the Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That no ecclesiastical law or jurisdiction shall have power to enforce, confirm, or establish any mulct or punishment in any case whatsoever within this Island.

And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, shall presume to attempt to enforce, confirm, or establish, by any ecclesiastical law or jurisdiction, any penal mulct or punishment, in any case whatsoever within this Island, or move, purchase or procure any process, summons, citations, sentences, or judgments, of what nature, kind, or quality soever they be, from, in, or out of such Spiritual Court, or serve, or execute any of the same process; every such person or persons so doing, shall for every such offence, forfeit the sum of Five Hundred Pounds current money of this Island; the one half to the Sovereign Lord the King, his heirs and successors, for the use

Preamble.

CLAUSE 1.
No ecclesiastical law or jurisdictions shall enforce any penal mulct or punishment, in any case within this Island.

CLAUSE 2.
Persons presuming to enforce by any ecclesiastical law, any penal mulct or punishment in any case; or procuring any process, summons, &c.; or executing any such, shall forfeit Five Hundred Pounds; half for the uses of the fortifications, and half for him that shall sue for

No. 20.
15 August 1719.

the same. And every such process, &c., declared void; saving all rights and authorities to the King and Governors of the Island as heretofore enjoyed.

of the fortifications of this Island; and the other moiety thereof to him or them, that shall sue for the same in any of the Courts of record within this Island, wherein no wager of law, essoin, protection, or injunction shall be allowed; and all and every such process, summons, citations, sentences and judgments, in, from or out of such Spiritual Court, shall be, and are hereby declared null and void; saving always to the King's most excellent Majesty, his heirs and successors, and to the Governors and Commanders-in-Chief of this Island for the time being, all such rights, privileges, powers and authorities, as they have at any time heretofore used, exercised, and enjoyed, or do now use, exercise, and enjoy.

No. 21.
10 May 1720.

No. 21.

10 May 1720.]—AN ACT appointing Security to be given by Appellees.

Preamble.

WHEREAS an appeal lieth to the King's most excellent Majesty, from judgments and decrees in this Island, in such cases where the matter in question is of the value of Five Hundred Pounds or upwards: And whereas it hath been the practice for the parties recovering such judgments or decrees, to proceed to levy the same, notwithstanding such appeals have been brought, and pending the same appeals; and it has often happened that such judgments and decrees have been afterwards reversed, and restitution hath been ordered to be made to the appellants; but the appellees pending such appeals, have either proved insolvent, or withdrawn themselves and their effects from this Island; and thus the appellants have had no benefit by such reversals, and have been left without remedy: For the preventing of which mischief for the time to come, be it enacted by his Excellency Robert Lowther, esquire, his Majesty's Captain-General and Governor-in-Chief of this and other the Caribbee Islands to windward of Guadaloupe, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That when any appeal to the King's most excellent Majesty, from any judgments or decrees to be rendered or obtained in this Island, shall hereafter be made, execution of such judgment or decree shall be stayed until such appeal be finally determined; unless the party obtaining such judgment or decree do give bond, with sufficient securities, in the Secretary's office of this Island, in double the value of the sum for which such judgment or decree shall be had, to make restitution to the appellant of all things that the appellant shall have lost by occasion of such judgment or decree, in case upon the determination of such appeal, such judgment or decree shall be reversed, and restitution be awarded to the appellant; such bond to be taken in the name of the Governor or Commander-in-Chief of this Island for the time being, and his successors, Governors or Commanders-in-Chief of this Island for the time being; and the said securities to be allowed and approved of by the Court from whose judgment or decree such appeal shall be made.

CLAUSE 1.
Execution to be stayed upon an appeal, unless the appellee give security in double the sum, to make restitution to the appellant, if the judgment should be reversed, and restitution awarded.

Such bond to be taken in the name of the Commander-in-Chief, and the securities approved by the Court, from whose judgment such appeal is made.

CLAUSE 2.
Bond, if forfeited, to be assigned to the appellant, and sued in the name of such Commander-in-Chief.

And be it further enacted by the authority aforesaid, That when any such bond shall be forfeited, the same shall be assigned over by the Governor or Commander-in-Chief of this Island for the time being, to the appellant; to be sued in the name of such Governor or Commander-in-Chief for the time being, and the penalty thereof to be recovered; out of which recovery satisfaction shall be made to the said appellant, for all things that the said appellant shall have lost by occasion of such judgment or decree that shall be reversed, as aforesaid.

No. 22.

No. 22.
7 June 1720.

7 June 1720.]—AN ACT appointing the persons executing the Office of Secretary of this Island for the time being, to act as Notaries-Public in mercantile cases.

WHEREAS the Secretaries of this Island for the time being, and their deputies, have for many years last past, used to protest bills of exchange for non-acceptance or non-payment; and to receive and enter protest in mercantile matters, and to take depositions in writing relating thereto; and to attest procurations and powers of attorney; and to do all other acts relating to matters mercantile, as notaries-public do in England: And whereas of late some doubt hath arisen and question been made touching the validity of such protests and acts, made and done by the persons executing the office of Secretary of this Island: And whereas it is absolutely necessary for the carrying on of trade and commerce in this Island, that the office and power of a notary-public, so far as relates to such matters mercantile, should be vested in and executed by some person resident in this Island; Be it therefore enacted by his Excellency, Robert Lowther, esq., his Majesty's Captain-General, and Governor-in-Chief of this and other the Caribbee Islands to windward of Guadaloupe, the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the person executing the office of Secretary of this Island for the time being, shall be authorized and empowered, and he is hereby authorized and empowered, to protest bills of exchange for non-acceptance or non-payment; and to receive and enter protests in mercantile matters, and to take depositions in writing relating thereto; and to attest procurations and powers of attorney; and to do all other acts relating to matters mercantile, and no others, as notaries-public do in England; and to demand and receive therefor such fees and perquisites as former Secretaries of this Island and their deputies, have usually had and received in like cases.

Preamble.

CLAUSE 1.
Secretary of the Island, empowered to act as notary-public in all mercantile cases.

Provided also, That the person so executing the office of Secretary for the time being shall not be, nor be compellable to be, Register of any Court of Admiralty, to be held in this Island for the trial of pirates, by virtue of any commission issued, or to be issued, pursuant to a certain Act or Statute made at Westminster, in the eleventh year of the reign of our late Lord William the Third, entitled, "An Act for the more effectual suppression of piracy."

Proviso.

But shall not be compellable to be Register of any Court of Admiralty held for trials of pirates. See Stat. 11 and 12 Will. 3, c. 7.

And be it further enacted by the authority aforesaid, That if any person or persons other than the person or persons executing the office of Secretary of this Island for the time being, shall do any act as a notary or tabellion-public in this Island, by virtue or colour of any power or authority from any person or persons whatsoever, other than and except his sacred Majesty and his successors; every such person or persons so acting, shall for every such act, by him to be done as a notary or tabellion-public, forfeit the sum of One Hundred Pounds current money of this Island; to be recovered as in case of servant's wages; one half thereof to be to the use of the informer, and the other half thereof to the use of the public treasury of this Island.

CLAUSE 2.

Any other person executing the office of notary, or tabellion-public, unless appointed by his Majesty, &c. shall forfeit 100*l*. for every act so done as notary; recoverable as servant's wages.

No. 23.

No. 23.
21 June 1720.

21 June 1720.]—AN ACT to ascertain and fix the bounds of the several Parishes in this Island.

WHEREAS in and by a certain Act or Statute of this Island, dated the Tenth day of December, One thousand seven hundred and fourteen, entitled, "An Act to ascertain and fix the bounds of the several parishes in this Island," it was enacted, that the Honourable John Sandford, Colonel Abel Alleyne, Robert Lettice Hooper, Thomas Sommers, Thomas

Preamble.

No. 23.
21 June 1720.

CLAUSE 1.
The first and second
Clauses of this Act
have been complied
with.

Affleck, William Gordon, and Richard Clarke, esqrs., or any three of them should be, and they were thereby appointed Commissioners to lay out, fix and ascertain all the bounds of every parish in this Island; and several powers and authorities were by the said Act vested in the said Commissioners: And whereas the bounds of the several parishes have not been hitherto ascertained, and the said Abel Alleyne, Robert Lettice Hooper, and William Gordon, are gone off this Island, and the said Thomas Sommers is dead, and the said John Sandford hath refused to act as a Commissioner under the said Act, so that the bounds of the several parishes cannot now be fixed and ascertained, unless some new Commissioners be appointed; Be it therefore enacted by his Excellency Robert Lowther, esq., his Majesty's Captain General, and Governor-in-Chief of this, and other the Caribbee Islands to windward of Guadaloupe, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Members of his Majesty's Council in such parish where they severally reside, and the General Assembly of this Island, in such parish which they severally represent, or any two of them, shall be, and they are hereby Commissioners to lay out, fix, and ascertain all the bounds of the respective parishes where they reside, and which they represent as aforesaid; with full power and authority to summon and call before them any evidence or evidences that may be any ways useful for discovering the bounds of each parish, and them upon oath to examine: with full power also, to meet from time to time and at all times and places; and to view and pass through all plantations and lands that they shall find necessary, for the better ascertaining and fixing the said lines.

CLAUSE 2.

And be it further enacted by the authority aforesaid, That any of the said Commissioners intending to lay out, fix, and ascertain any part of the bounds or lines of their respective parishes, are hereby required to give notice in writing at least three days, to the Commissioners of the parish or parishes adjacent to the said bounds or lines; and whensoever the major part of the Commissioners at any time present, shall upon mature examination judge any parish line to be, the same shall be there laid out, fixed, and marked by William Mayo, surveyor, whom the said Commissioners, or any two of them, have hereby full power and authority to direct and command; who is hereby required to pay due obedience unto them, and to place or plant public marks of the said lines, so that the same may be publicly known; and also when the bounds of all the several parishes shall be ascertained, the said William Mayo is hereby required to make a map, plan, or draught thereof, with necessary descriptions and explanations, and the same under his hand to deliver into the Secretary's office of this Island, there to remain upon record.

CLAUSE 3.
Bounds of the parishes
fixed by this Act, to
remain unalterable.

And be it further enacted by the authority aforesaid, That the bounds, limits, and lines of all, or any of the several parishes so ascertained, shall be deemed, construed, and taken for the true and real bounds, and shall so remain unchangeably and unalterably, whether they be the same with the former bounds or not; any law, usage, or custom to the contrary in any wise notwithstanding.

CLAUSE 4.

And be it further enacted by the authority aforesaid, That the said Act of the Tenth day of December, One thousand seven hundred and fourteen, shall be, and is hereby repealed and annulled, to all intents and purposes.

No. 24.
30 November 1720.

Vid. 22 and 23 Car. 2,
c. 10.
1 Ja. 2 c. 17. s. 6, 7, 8.

Preamble.

No. 24.

30 November 1720.]—An Additional Act to an Act entitled "An ACT for the better settling Intestates' Estates; and for enabling Fathers to dispose of the custody of their Children, during their Minority."

FOR the explaining a certain Act or Statute of this Island bearing date the Eleventh day of January, One thousand seven hundred and

fourteen, and now in full force, entitled "An Act for the better settling "Intestates' Estates; and for enabling Fathers to dispose of the custody "of their Children during their Minority," be it provided and enacted, and it is hereby provided and enacted by the Honourable John Frere, esq., President of his Majesty's Council, and Commander-in-Chief of this and other the Carribbee Islands to windward of Guadaloupe, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That no administrator shall, from and after publication hereof, be cited to any the Courts in the said Act mentioned, to render an account of the personal estate of his intestate, otherwise than by inventory or inventories thereof, unless it be at the instance or prosecution of some person or persons, in behalf of a minor, or having a demand out of such personal estate, as a creditor or next of kin; nor be compellable to account before the Ordinary or Court, by the said Act empowered and appointed to take the same, otherwise than as is aforesaid; anything in the said Act contained to the contrary notwithstanding.

Provided also, and it is further enacted by the authority aforesaid, That if after the death of a father, any of his children shall die intestate, without wife or children, in the lifetime of the mother, every brother and sister, and the representatives of them, shall have an equal share with her; anything in the said Act to the contrary notwithstanding.

No. 25.

17 March 1729.]—AN ACT for preventing of Excessive Gaming.

WHEREAS by the immoderate use of gaming many mischiefs and inconveniences do arise, and are daily found, to the maintaining and encouraging of sundry idle, loose, and disorderly persons in their dissolute course of life; to prevent therefore the mischiefs which happen by all excessive gaming for the future, Be it enacted by his Excellency Henry Worsley, esq., his Majesty's Captain-General and Governor-in-Chief of this and other the Caribbee Islands lying and being to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the publication of this Act, all notes, bills, bonds, judgments, or other securities or conveyances whatsoever, given, granted, drawn, or entered into or executed by any person or persons whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever won by gaming, or playing at cards, dice, tables, bowls, billiards, or other game or games whatsoever; or by betting on the sides or hands of such as do game at any of the games aforesaid; or for the reimbursing, or repaying any money or other valuable thing knowingly lent or advanced for such gaming or betting as aforesaid, or lent, or advanced at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or that shall, during such play, so play or bet, shall be utterly void, frustrate, and of none effect to all intents and purposes whatsoever.

And be it further enacted by the authority aforesaid, That from and after publication of this Act, any person or persons whatsoever, who shall at any time or sitting, by playing at cards, dice, tables, or other game or games whatsoever, or by betting on the sides or hands of such as do play at any of the games aforesaid, lose to any one or more person or persons so playing or betting, in the whole, the sum or value of five pounds current money of this Island, and shall pay or deliver the same, or any part thereof, the person or persons so losing and paying, or delivering the same, shall be at liberty, within three months then next, to sue for and recover the money or goods so lost and paid, or delivered, or any part thereof, from the respective winner and winners thereof, with full

No. 24.

30 November 1720.

CLAUSE 1.
No administrator obliged to account for the personal estate of his intestate, otherwise than by inventory.

Unless at the prosecution of some person in behalf of a minor, a creditor, or next of kin.

CLAUSE 2.
If after the death of a father leaving a widow, any one child die intestate, every other child shall have an equal share with the mother, of such child's estate.

No. 25.

17 March 1729.

Preamble.

CLAUSE 1.
All notes or securities given, where the whole or any part, shall be for money or other valuable thing won by gaming; or betting on the sides of such as do game; or for repaying any money, &c., lent for gaming; or betting with any person gaming, during the time of such play, shall be void.

CLAUSE 2.
Any person losing and paying five pounds, by playing and betting, may in 3 months sue for, and recover the same from the winner, with full costs of suit, by action of debt.

No. 25.
17 March 1729.

If the person losing such sum do not sue for the same, any other person may sue for and recover the same, and treble the value thereof, with costs of suit, and retain one half to his own use, the other to the poor of the parish.

CLAUSE 3.
Every person liable to be sued by this Act, shall be obliged to answer on oath, all bills of discovery.

CLAUSE 4.
Upon repayment of the money so to be recovered, the person who shall repay the same, to be discharged from any further penalty.

CLAUSE 5.
Any person who shall assault, beat, or challenge, any other person, upon account of anything won by gaming, &c., shall forfeit Twenty Pounds, or suffer Three Months' imprisonment.

costs of suit, as in jury actions, by action of debt founded upon this Act, to be prosecuted in the Court of Common Pleas; in which actions or suits, no *essoign*, protection, or wager of law shall be allowed; in which actions it shall be sufficient for the plaintiffs to allege, that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use the moneys so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him, according to the form of this Statute, without setting forth the special matter: and in case the person or persons who shall lose such money or other thing as aforesaid, shall not within the time aforesaid, really and *bonâ fide*, and without covin or collusion, sue, and with effect prosecute for the money or other thing, so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons by any such action or suit as aforesaid, to sue for and recover the same, and treble the value thereof, with costs of suit, against such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the parish where the offence shall be committed.

And for the better discovery of the moneys, or other thing so won and to be sued for and recovered as aforesaid, it is hereby further enacted by the authority aforesaid, That all and every the person or persons who by virtue of this present Act shall or may be liable to be sued for the same, shall be obliged and compellable to answer upon oath, such bill or bills as shall be preferred against him or them, for discovering the sum and sums of money or other thing so won at play as aforesaid.

Provided always, and be it nevertheless enacted by the authority aforesaid, That upon the discovery and repayment of the money, or thing so to be recovered and repaid as aforesaid, the person or persons who shall so discover and repay the same as aforesaid, shall be acquitted, indemnified and discharged from any further or other punishment, forfeiture or penalty which he or they may have incurred, by the playing for or winning such money or other thing so discovered and repaid as aforesaid.

And for the preventing of such quarrels as shall and may happen upon the account of gaming, be it further enacted by the authority aforesaid, That in case any person or persons whatsoever shall assault and beat, or shall challenge or provoke to fight any other person or persons whatsoever, upon account of any money or other valuable thing won by gaming, playing or betting at any of the games aforesaid, such person or persons assaulting and beating, or challenging or provoking to fight such other person or persons upon the account aforesaid, shall, being thereof convicted upon an indictment or information, to be exhibited against him or them for that purpose, forfeit to his Majesty, his heirs and successors, the sum of Twenty Pounds current money of this Island; or in default of payment thereof suffer Three Months' imprisonment, without bail or mainprize, in the common gaol of this Island.

No. 26.
1 October 1734.

No. 26.

1 October 1734.]—AN ACT for preventing Clandestine Marriages.

Preamble.

CLAUSE 1.
Every Minister, or other person, who shall marry any person without publication of banns, or without licence, shall forfeit

WHEREAS divers marriages have been clandestinely consummated in this Island, without the knowledge, consent or approbation of parents and other relations, to the great grief of such parents and relations, and often to the utter ruin of the persons, thereby running themselves into unsuitable matches: Be it enacted by his Excellency the Right Honourable Sir, Lord Viscount Howe, Baron of Cleonelly, Captain-General and Governor-in-Chief of this and all other the Caribbee Islands, lying and being to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after publication hereof, every

parson, curate, minister or deacon, or any other person who shall marry any persons whatsoever in this Island, without publication of the banns of matrimony between the respective persons according to law, or without licences first had and obtained from the Governor or Commander-in-Chief, and Ordinary of the said Island for the time being, shall for every such offence, forfeit the sum of One Hundred Pounds sterling money of Great Britain, to the King's most excellent Majesty, his heirs and successors; to be recovered by his Majesty's Attorney-General, by action of debt, bill, plaint, or information, in any Court of record here, and Six Month's imprisonment, without bail or mainprize, wherein no essoign, wager, or protection of law shall be allowed; and such forfeiture shall be paid to the Treasurer of this Island, and by him applied to the uses of the Excise Act for the time being.

And be it further enacted by the authority aforesaid, That every parish-clerk or sexton, or other person acting as parish-clerk or sexton, who shall knowingly and willingly, aid, promote, and assist at such marriages, so celebrated without banns or licences as aforesaid, shall forfeit the sum of Five and Twenty Pounds current money.

And whereas it has been customary and usual here to marry in private houses, and not in the churches: Be it further enacted by the authority aforesaid, That whatever master, mistress, or owner of any house, shall at any time after the publication hereof, knowingly and wittingly permit or suffer such clandestine marriage as aforesaid, to be celebrated in his or her house, or in any backside, yard, garden or other place belonging thereto, he or she shall for such offence forfeit the sum of Five and Twenty Pounds current money; which said forfeitures shall be to his Majesty, his heirs and successors; and be recovered in like manner, and applied to the uses herein before mentioned.

Provided always, That nothing herein contained, shall be construed to lessen or take away any power, jurisdiction or authority, which the Ordinary of this Island may legally have or claim in virtue of the royal instructions, or otherwise; but that such power, jurisdiction and authority do still remain as before: And that the persons liable to any forfeiture by this Act, shall notwithstanding thereof, or any conviction thereon, be still subject to the like process and proceedings of the said Ordinary, as if the same had never been made.

No. 26.
1 October 1734.
One Hundred Pounds to the uses of the Excise Act, and suffer Six Months' imprisonment without bail.

CLAUSE 2.
Every parish-clerk or sexton, or other person acting as such, and aiding, &c., such marriages, to forfeit Twenty-five Pounds.

CLAUSE 3.
Every master suffering any clandestine marriage to be celebrated in his house, or any place belonging thereto, shall forfeit Twenty-five Pounds.

Proviso.
Nothing herein shall take away the power of the Ordinary, by virtue of the royal instructions; who may proceed against offenders, as if this Act had not been made.

No. 27.

3 February 1735.]—AN ACT declaring part of the new Town-house, in the Town of St. Michael, to be the Common Gaol of this Island; and empowering the Provost-Marshall to make use of it as such.

No. 27.
3 February 1735.

WHEREAS the common goal in St. James' Fort, in the said town of St. Michael, is become very ruinous and untenable, by means whereof some of the prisoners confined therein have already broke out, and others are in danger of escaping, to the great detriment of the public, as well as the loss of particular persons: And whereas by virtue, and in pursuance of an Act of this Island, bearing date the Fifteenth day of February, One thousand seven hundred and twenty-five, entitled, "An Act for erecting a Magazine at St. Anne's castle; and a Town-hall and gaol in the town of St. Michael in the said Island," and certain proposals thereunto annexed, a town-house hath been erected in the said town of St. Michael; part whereof, viz., the west end thereof, was intended for the common gaol: To the intent therefore that the said west end of the said town-house may be made use of by the Provost-Marshall and his deputies, and all other officers concerned, as and for the common gaol of this island; Be it enacted and ordained by the Honourable James Dottin, esq., President of his Majesty's Council and Commander-in-Chief of this and

CLAUSE 1.
The west end of the new town-house in

No. 27.
3 February 1735.

the town of St.
Michael, to be used as
and for the common
gaol of this Island.

The latter part of this
clause has been com-
plied with.

other the Caribbee Islands lying and being to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the publication hereof, the west-end of the said new town-house in the town of St. Michael, so erected and fitted up for a gaol as aforesaid, shall be deemed and used as and for the common gaol of this Island; and the Provost-Marshall and his acting deputy or deputies, and all others concerned are hereby authorized and empowered to make use of it as such; and as opportunity shall offer, carefully to remove the prisoners from the said old gaol in St. James's Fort to the said new gaol, to be there secured accordingly; any former law, usage, or custom to the contrary notwithstanding.

No. 28.
6 February 1735.

No. 28.

6 February 1735.]—AN ACT concerning the Surveying of Land in this Island.

Preamble.

WHEREAS it has been usual for the Governors here, from time to time, to appoint a Surveyor-General, in whose commission there has been a clause requiring the Secretary of this Island or his deputy, to direct all warrants for surveying of lands to such Surveyor-General only, who under colour thereof, has lately engrossed to himself the whole business of surveying, contrary to the true intent and meaning of the laws of this Island, and in prejudice of the right of every person to choose such surveyor as he shall think proper, to survey and lay out his own lands or such as do not belong to the Crown; for remedy whereof for the future, Be it enacted by the Honourable James Dottin, esq., President of his Majesty's Council and Commander-in-Chief of this and other the Caribbee Islands lying and being to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That immediately from and after the publication of this Act, whoever shall have occasion to survey or lay out lands or houses, may as of right, claim from the Governor or Commander-in-Chief for the time being, a warrant for that purpose, to be directed to such sworn surveyor being allowed to practise, as the person so requiring the same shall think fit to nominate; and the Secretary of this Island or his acting deputy, is hereby required to give out and direct all warrants for this end accordingly, on being paid the customary fee of seven shillings and sixpence for every such warrant so to be given out; reserving to his Majesty's Surveyor-General, all rights, privileges and advantages whatsoever, of and concerning the survey of lands belonging to the Crown; any former law or usage, or anything herein contained to the contrary notwithstanding.

CLAUSE 1.
Persons having ac-
cession to survey or
lay out lands or
houses, may claim a
warrant from the
Governor, directed to
such sworn surveyor
as he shall think fit.

And the Secretary re-
quired to direct all
warrants accordingly,
on being paid seven
shillings and sixpence
each; reserving to the
Surveyor-General the
right of surveying
Crown lands.

No. 29.
1 September 1736.

No. 29.

1 September 1736.]—AN ACT for the better ascertaining the true and exact Gauge and Tare of Cask.

[Clauses 1, 4, 5 & 7 have been repealed.]

Preamble.

WHEREAS the method hitherto practised in this Island, of gauging tight cask by the diagonal line, hath been found to be false and uncertain, by reason of the inequality of the mark of such cask, inasmuch as the hogsheads and other casks which ought to answer the gauge by the said method have been proved, and there hath been wanting, on their drawing off, six or eight gallons, and sometimes more in a hogshead, and so in proportion in other smaller casks: And whereas the allowances usually made for the tare of sugar-hogsheads and tierces, hath been generally found to fall short of their real weight, from fifteen to thirty

pounds each cask, by which means the buyers are obliged to pay for more than they receive: And whereas nothing is more reasonable and just, or tends more to the credit of any trading country, than that all merchants and others who have dealings with it, should be ascertained of the contents and quantities of the commodities they purchase, by the exactest rules, and in the fairest manner; Be it therefore enacted by the Honourable James Dottin, esq., President of his Majesty's Council and Commander-in-Chief of this and all other his Majesty's Caribbee Islands lying and being to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same.

And be it further enacted by the authority aforesaid, That from and after the said First day of January next ensuing the date hereof, all tight cask for rum, molasses, lime-juice, or any other spirits or liquors, containing above thirty gallons, shall before they are sold or shipped for exportation from this Island, be gauged mathematically by the maker, seller, or exporter of the said cask, or by some capable person employed by him or them for that purpose, by the following rule, viz., "Measure the diameter at the bung, and at the head in inches, and note the difference; then, as one is to seven-tenths of one, so is the difference to a fourth number, which added to the head-diameter, gives a mean diameter for the whole cask, which squared and multiplied by the length in inches, and divided by two hundred ninety-four and eighteen one thousand parts of one, will give the contents in wine gallons;" or by some other method agreeable to the practice of his Majesty's sworn gaugers in Great Britain, which shall answer the ends and purposes of the said rule; and shall mark the contents with a double marking-iron on the bilge of each particular cask so gauged; and also if thereto required, shall immediately appear before the next or neighbouring Justice of the Peace, and make oath, that he hath truly gauged the said cask by the method herein prescribed, and that the true contents is marked thereon: And whatever person or persons, from and after the time aforesaid, shall presume to sell or ship off for exportation from this Island, any tight cask, containing above thirty gallons of rum, molasses, lime-juice, or any other spirits or liquors, before the said cask shall have been gauged, branded, and marked according to the directions of this Act, in manner aforesaid, or shall refuse to be sworn thereto; such person or persons shall forfeit and pay the sum of Five Pounds current money, for every such cask he or they shall so sell or ship off, or which shall, by the sworn gauger appointed for that purpose, be found to be falsely marked, or denied to be sworn unto.

And whereas on the sale of casks, disputes may arise concerning the true gauge of such cask; for the better determination of the same, Be it further enacted by the authority aforesaid, That the General Assembly of this Island, shall immediately upon the publication of this Act, and afterwards, annually nominate some honest and skilful person or persons to be gauger or gaugers, in and for each of the ports of this Island; who, on being approved of by the Governor or Commander-in-Chief, and Council, shall appear before any one of his Majesty's Justices of the Peace, and take the following oath, viz.:—

"You A. B., being appointed a gauger according to law, for the port of _____ do swear upon the holy evangelists of Almighty God, that you will, whenever you are desired or required, from time to time, diligently and faithfully discharge and execute the duty and office of a gauger, in and for the said port of _____ for the ensuing year, or until some other person be chosen and sworn in your place; and that in all the particulars mentioned in an Act of this Island, entitled 'An Act for the better ascertaining the true and exact gauge and

CLAUSE 2.
All tight casks of above 30 gallons, to be gauged as directed by this clause; the contents marked on the bilge; and oath made thereof, if required. So far as relates to sale or shipment of molasses, see Act 17 July 1830.

Any person shipping any tight cask filled, of above 30 gallons, before gauged, branded, and marked; or refuse to swear thereto, shall forfeit five pounds for every cask so shipped, &c., or false marked, &c.

CLAUSE 3.
The Assembly annually to nominate a gauger for each port in the Island; who, being approved by the Governor and Council, shall take the following Oath.

Gauger's Oath.

No. 29.
1 September 1736.

"tare of cask," you will act impartially, without fear or favour,
"and according to the best of your skill and judgment.

"So help you God."

To be administered by any Justice, whose certificate under the appointment shall be a sufficient commission.
Gauger to receive five shillings per ton for casks gauged, &c., by him, to be paid by the seller, if such casks are falsely gauged; otherwise by the buyer, recoverable as servant's wages.

Gauger neglecting his duty, or guilty of mal-practices shall forfeit Five Pounds, and be rendered incapable of executing the office.

And the Governor shall appoint another in his stead, until the Assembly nominate one.

CLAUSE 6.
Every person counterfeiting a brand, altering a mark of tare, or affixing a false tare, shall forfeit 50*l*. and be prosecuted as a cheat.

CLAUSE 8.
Penalties incurred by this Act to be recovered in any Court of record, or before any justice, and applied half to the prosecutor, and half to the uses of the Excise Act; if prosecuted within six months.

Which oath the said Justice is hereby required to administer, and give a certificate thereof to the person taking the same, under the minute of his appointment, which shall be a sufficient commission for his executing the office of gauger; and he shall demand and take at and after the rate of five shillings current money per ton, and no more, for all such cask by him gauged, branded, and marked, according to the directions of this Act; to be paid by the seller, if such cask shall by the said gauger be found to have been falsely gauged, or refused to be sworn to, otherways by the buyer, or the person employing him to gauge the same: and shall likewise brand the two first letters of his Christian and Surname, with a burning iron, and mark the contents with a double marking-iron on the bilge of each particular cask, so by him gauged; and in case payment of the said fee is denied to be made, the said gauger may make complaint thereof, to the next or neighbouring Justice of Peace, who is hereby empowered and required to hear and determine the matter of the said complaint, and to issue his warrant against the said person complained of, and proceed therein as in case of servant's wages: And if any of the said sworn gaugers shall refuse to gauge any cask, when thereunto desired or required, or neglect to do the duties of his office, prescribed by this Act, or be guilty of any malpractices in the execution thereof; he shall on conviction of the same, before two of his Majesty's Justices of the Peace, one whereof to be of the quorum, who is hereby required to hear and determine the matter of any complaint that shall be preferred against any one of the said gaugers, by any person aggrieved, forfeit and pay the sum of Five Pounds, current money, and be immediately discharged by the said two Justices, from his said office of a gauger, and rendered incapable of being ever again appointed thereto; and some other person shall, by the Governor or Commander-in-Chief for the time being, be immediately appointed in his stead, to execute the same, until such time as the General Assembly of this Island shall nominate another in the place and stead of the person so discharged as aforesaid.

And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit the brand of any of the said appointed and sworn gaugers, or of any other person whatsoever; or alter the contents or weight, or tare marked on any cask directed by this Act to be gauged, weighed, or tared, without the order and consent of the person or persons who first affixed or caused to be affixed, the said contents, weight, or tare; or if any person or persons shall affix, or cause to be affixed, on any cask directed by this Act to be weighed or tared, a false weight or tare; every person so offending, shall forfeit and pay for every such offence, the sum of Fifty Pounds current money; and be further liable to be prosecuted at the Court of Grand Sessions as a cheat, and there punished according to the discretion of the Court.

And be it further enacted by the authority aforesaid, That all and every of the penalties and forfeitures to be incurred by virtue of this Act, shall be recovered in any Court of record within this Island, or before any one of his Majesty's Justices of the Peace, except the Members of Council, who are exempted from acting therein, if under forty shillings, wherein no protection or wager of law shall be allowed; the said penalties and forfeitures to be to his Majesty, his heirs and successors; but to be applied one half to the person who shall prosecute the same to effect, and the other half to the uses of the Excise Act, for the current year; provided the same be prosecuted within the space of six months, and not otherwise.

No. 30.

No. 30.
15 February 1736.

15 February 1736.]—AN ACT to enable and empower Assignees and Endorsees of all Debts and Demands, to commence Suits, and do all other Acts and things in his, her or their own name or names, for obtaining and getting satisfaction thereof, in as full and ample manner, form, and effect, to all intents and purposes, as the original Creditor might or could do, had no Assignment or Endorsement been made; and also for giving the like remedy against the Assigners, Endorsers, or Acceptors of Inland Bills and Notes, as is used and allowed on foreign Bills of Exchange.

WHEREAS no action or suit at common law can, by the rules thereof, be brought or maintained for any debt or demand, actually assigned or endorsed in the name of the assignee or endorsee, but the recovery must be had and made in the name of the original creditor, in like manner as if such debt or demand had not been transferred; and the Clerks and Marshals of the several Courts in this Island, have sometimes refused to observe and follow the orders and directions of the persons vested with the equitable right thereto, without first seeing an assignment duly executed and recorded, by means whereof such assignees and endorsees, have been put to much trouble and expence: And whereas, if endorsers of bonds, notes, orders and accounts, and the accepters of inland bills, notes or orders were made liable to the endorsees, for the respective sums for which such endorsements and acceptances are made, and might lawfully maintain actions and suits in the manner used and allowed on foreign bills of exchange, it is apprehended the same would be a means of establishing credit and thereby in some degree make up for the great scarcity of cash, now so severely felt by the inhabitants here; for which purpose the General Assembly of this Island, do humbly pray your Honour that it may be enacted, And be it enacted by the Honourable James Dottin, esq., President of his Majesty's Council and Commander-in-Chief of this and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and immediately after the publication of this Act, any person having the benefit, profit, and advantage of any debt or demand, of what nature, kind, or quality soever, assigned, endorsed, or transferred to him, her, or them, by the person or persons who had good right and title so to do, in the manner hereinafter mentioned, shall and may commence, maintain, and prosecute any action or suit for the recovery thereof, in any Court of Common Pleas or Court of Equity in this Island, in his, her, or their own name or names, either against the original debtor or debtors, or any of the assigners, or endorsers, or accepters, according to the nature of the case, in the same manner as the original creditor, and the assignees of foreign bills of exchange, have been allowed to do, and not otherwise; on the trial of which action or suit, however, the defendant may, if he think fit, insist on the plaintiff's, or the assigner's, or endorser's being sworn, that the debt or demand was, before such suit commenced, truly and *bona-fide*, endorsed or assigned, and that the plaintiff was and is to have the whole benefit, profit, and advantage arising therefrom; and that such assignment or endorsement was not colourably made, to entitle the assignee or endorsee to sue for the said debt or demand, for the benefit and advantage of the assigner or endorser.

And be it further enacted by the authority aforesaid, That wherever a Fême-covert is entitled to any legacy or other demand not properly recoverable without her name being made use of in the bill, action, or suit, together with her husband's, it shall be necessary for her to join in an assignment of such demand, and be privately examined thereto, as has been usual in the case of real estate of the wife's inheritance, before

CLAUSE 1.
Any person having the benefit of any debt or demand assigned, endorsed, or legally transferred, may prosecute any action for recovery thereof, in his own name, against the original debtor, or any assigner, endorser, or acceptor, as the original creditor, and assignees of foreign bills of exchange have been allowed.

On trial, the defendant may insist on the plaintiff's being sworn, that the demand was, before such suit commenced, truly vested in him; that he is to have the whole benefit thereof, and that the assignment was not colourably made, to be sued for the advantage of the assigner.

CLAUSE 2.
Where a Fême-covert is entitled to a legacy or other demand not recoverable without her name being made use of with her husband's, she shall join in the assignment,

No. 30.
15 February 1736.

and be privately examined, as in case of inheritance.

Which shall be deemed a full transfer of her demand to such assignee.

Who may sue in his own name for the uses of the deed.

If any judgment is obtained in the name of Baron and Fême, and any assignment made thereof, the Fême shall be privately examined, before the Marshal shall convey to the assignee, or he be capable of releasing the debt.

CLAUSE 3.
Where any demand on simple contract is transferred, &c., the person assigning, to endorse his name in blank thereon, or direct the sum due to be paid the assignee, for value received: but on all specialties the following method to be used.

Form of an assignment of any specialty. Which being signed in presence of two witnesses, shall be effectual for any assignee to maintain their action, &c.

And the Clerks and Marshals of the Courts to pursue the directions of such assignee; and what is done by them, declared legal.

CLAUSE 4.
Assignments not paid or secured, in 12 months, shall, if lost by the acceptor's proving insolvent, be borne by the assignee.

Unless the drawer or assigner agree in writing to allow longer time; or neglect to prosecute the same

the assignee shall commence or maintain an action or suit for recovery thereof; but wherever such assignment hath been or shall be made, and she privately examined, it shall be deemed, adjudged, and taken to be a full release, acquittal, and transfer of such her demand to such assignee; and neither she, nor any person or persons claiming by, from, or under her, shall afterwards be deemed to have any right or title thereto, but the same shall belong to the assignee or assignees, his, her, or their executors, administrators, or assigns, who may sue in his, her, or their own name or names for recovery thereof, for their own benefit and advantage, or in trust for such uses and purposes, as are mentioned and contained in the said deed of assignment; and so likewise if any decree or judgment shall be obtained in the name of Baron, and Fême, and any assignment thereof afterwards made and executed to any other person, the Fême shall be privately examined thereto in the usual manner, before the Marshal shall convey to the assignee, or he, she, or they be capable of releasing or discharging such debt on record.

And be it further enacted by the authority aforesaid, That in all other cases, where any demand on simple contract is transferred, endorsed, or assigned, it shall be sufficient for the person or persons so doing, to write his, her, or their names in blank thereon, or direct the sum due to be paid to the assignee or endorsee for value received; but on all specialties the assigner or endorser shall on the security assigned, or on a separate paper, write to the purport following: viz. —

“I do hereby transfer and assign the within-mentioned, or such a particular security, for such a sum (mentioning what is due thereon) and all my right, title, and interest therein to A. B. for the sum or value of him this day received. Witness my hand, the, &c.”

Which shall be signed by the party, in the presence of two witnesses subscribing the same; and it shall be good and effectual for any assignee or endorsee, and his, her, and their proper representatives, to maintain their action or suit for the recovery of such debt or demand so assigned either against the original debtor, or any of the endorsers or acceptors thereof; and the Clerks and Marshals of the several Courts in this Island, are hereby directed and required to observe and pursue the directions of such assignee or endorsee, in the same manner as they would those of the original creditor: And whatsoever shall be acted or done by such assignee or endorsee, shall be adjudged, deemed, taken, and allowed to be good, valid, and effectual, to all intents and purposes whatsoever.

And whereas it may happen, that after a debt or demand is assigned or endorsed, or an inland bill or order accepted or promised to be paid, the original debtor or acceptor may fail and prove insolvent, and thereby the assigner, endorser, or drawer be liable to satisfy the said debt or demand, when such loss is occasioned by the lenity and forbearance of the assignee, endorsee, or person to whom an order is made payable, and for want of the assigner, endorser, or drawer having it in his, her, or their power to compel the payment of such demand from the debtor or acceptor, before his, her, or their failing, and proving insolvent: to prevent which, Be it further enacted by the authority aforesaid, That if the assignee, endorsee, or person to whom an order is made payable, shall not prosecute for the debt or demand within twelve months after the date of the assignment, endorsement, drawing, or time of payment, or neglect to use or suffer the assigner, endorser, or drawer to use all proper means and remedies for the better securing the said debt or demand, when applied to by him, her, or them, or their representatives for that purpose, and the debtor or acceptor fail, and prove insolvent, the loss shall be borne and sustained by such person or persons whose lenity occasioned the same; and the assigner, endorser or drawer, shall be acquitted and discharged therefrom, unless he, she, or they did consent or agree, by writing under his, her, or their hand, to give longer time of forbearance, or such assignee, endorser, or drawer neglected to prosecute such debtor or acceptor,

on notice being given by the assignee, endorsee, or person to whom the order was payable, within the time above mentioned, that such debt or demand remained due and unpaid; which notice shall be sufficient to prevent any loss ensuing for want of a prosecution in the time above limited.

No. 30.
15 February 1736.

on notice given him by the endorsee, that the debt is unpaid.

No. 31.

2 October 1739.]—AN Additional ACT for preventing Clandestine Marriages.

No. 31.
2 October 1739.

WHEREAS many undue and clandestine means have been made use of in this Island, in obtaining licences for the marriage of women by wrong surnames, and calling them of parishes where neither themselves, their parents, guardians, or friends do live or reside in, but the Ministers whereof, for the lucre and gain, have celebrated such marriages, pretending they did not know any deceit or fraud was designed; but that the persons so married were the same, and not others mentioned in such licence; to prevent such evil practices for the future, Be it enacted by the Honourable James Dottin, esq., President of his Majesty's Council, and Commander-in-Chief of this and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That before any licence of marriage for the future shall issue from the Secretary's office of this Island, there shall be produced and left with the Secretary or his lawful deputy, a letter or certificate signed by the parents, guardians or other nearest relations of the persons to be married; that such marriage is with his, her, or their consent or approbation; and the said Secretary or his deputy, shall if he does not know the hand-writing of the parties signing such letter or certificate, or the persons to be married, require an oath to be made before him, which he is hereby empowered to administer, either to the person to be married, or one or both the securities for such licence, "That no feigned names are made use of in taking out the same, but that such intended marriage is with the knowledge, approbation, and consent of the parents, guardians, or friends of the persons for whom such licence is required; or that the parties to be married are of the full age of twenty-one years." And in case the Secretary or his deputy shall issue a licence without such letter or oath, and thereby any marriage be celebrated in feigned names, the said Secretary or his deputy, shall for every such offence forfeit and pay the sum of One Hundred Pounds current money; and every Minister celebrating a marriage by a licence not directed to himself, or between persons not known to him, and not in the presence of their parents, guardians, or friends, or without licence or the banns being duly published, whether on the land or on the water, within four leagues from the shore, shall for every such offence forfeit and pay the sum of One Hundred Pounds like money; and also incur Six Months' imprisonment, without bail or mainprize: and each security in the Secretary's office for obtaining such licence, shall forfeit and pay the sum of One Hundred Pounds like money: all which forfeitures shall be to the King's most Excellent Majesty, his heirs and successors; to be recovered by his Majesty's Attorney-General, by action of debt, bill, plaint, or information in any Court of record here, wherein no essoign, wager, or protection of law shall be allowed; and the party complained against, shall, by the writ issuing on the action, bill, plaint, or information brought by virtue of this or the former law, be directed to be taken into custody till he or they give in good and sufficient security for abiding by the judgment and determination of the suit commenced against him or them; on the determination of which, the forfeiture recovered shall be paid to the Treasurer of this Island for the time being, to be by him applied to the uses of the Excise Act, for the then current year.

Preamble.
7 & 8 W. III. c. 35.
10 Anne, c. 19.

CLAUSE 1.
Before a licence is granted, a letter or certificate, signed by the parents or guardians, or other nearest relations, declaring that such intended marriage is with their consent, shall be left with the Secretary, who, if he does not know the hand-writing, or the persons to be married, may require an oath, which he is to administer.

The form of the Oath.

The Secretary issuing a licence without such letter, certificate, or oath, to forfeit 100*l*. Minister marrying by a licence not directed to himself, or between persons unknown to him, and not in presence of their parents or friends; or without licence, or publication of banns, on land or sea within four leagues from the shore, forfeits 100*l*. and Six Months' imprisonment. And each security for such licence in the Secretary's office, shall forfeit One Hundred pounds. Forfeitures to be sued for in any Court of record, by the Attorney-General; and the defendant to give security for the sum and costs, or to be in custody until he shall do so. Forfeitures, when recovered, to be paid to the Treasurer for the uses of the Excise Act.

No. 32.

27 February 1739.

No. 32.

27 February 1739.]—AN ACT to amend an Act of this Island, entitled "An Act appointing Bench Actions, and the manner of proceeding therein."

Preamble.

WHEREAS by an Act or Statute of this Island, bearing date the Twenty-second day of December, One thousand six hundred and sixty nine, entitled "An Act appointing Bench Actions, and the manner of proceeding therein," the time thereby allowed for the defendant's appearing to such actions has been found to be too long and tedious; whereby many poor as well as transient persons, have lost their just demands, which might have been saved if a more summary method had been established: to the end, therefore, that for the future a more easy and expeditious method may be provided for recovering and enforcing the payment of any sum, not exceeding Eight Pounds current money of this Island, and the aforesaid mischiefs prevented: Be it enacted by his Excellency the Honourable Robert Byng, esq., Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That any person who shall for the future have cause of suit, by reason of any loan, bargain, or contract only, for any sum not exceeding Eight Pounds current money, shall file the action for the same with the Clerk of the Court of Common Pleas, according or near to the form following, to wit:

"Barbados.

Precinct of

The form of the action.

A.B. } mentioning the person's name { Plaintiff.
C.D. } Defendant.

"The plaintiff demands from the defendant the sum of [here naming the sum] due by bill or note in writing of such a date, or for rent, or for a particular article, [mentioning what] or for sundry goods, wares, and merchandizes, sold, delivered, and credited, or for such other matter or cause of suit, as the defendant is chargeable with or accountable for; which sum became justly due and owing before the day of and though payment thereof has been demanded, remains still due, therefore the 'plaintiff prays judgment for the same."

The action to be signed by the plaintiff, or by some person in his behalf.

A copy thereof to be made out and attested by the Clerk, who is to deliver it to the Marshal, with a summons for the defendant to appear at the said Clerk's office, within eight days after service.

Fees therefor.

Oath to be made in the Clerk's office of the service.

The defendant not appearing in the office within eight days, and entering an appearance on the action, for which the fee is 1s., the Clerk is to enter judgment on the action, for which he is to be paid 1s. and execution to issue in the customary manner.

Which action shall be signed by the plaintiff himself, or by some person in his name and behalf, and a copy thereof made out and attested by the Clerk of the Court; who shall deliver the same to the Marshal of the Court, with a summons from the Chief Judge of the precinct, commanding the defendant to appear in the Clerk's office of the said Court, within eight days after due service thereof; for which copy and summons the Clerk shall be paid the fees mentioned in the said Act or Statute: and the Marshal of the said Court or some person deputed by him, shall on being paid the fee appointed in the said Act, cause the defendant immediately, or as soon as possible afterwards, to be legally served with the said action and summons, and make a return of such service upon oath in the said Clerk's office, and which oath the said Clerk is hereby empowered and required to administer; and if the defendant or some person in his behalf, shall not appear in the said Clerk's office, within eight days after legal service of the said action, and enter an appearance thereon, for which the Clerk shall demand and receive a fee of One Shilling, then the said Clerk shall immediately at the end and expiration of the said eight days after such service as aforesaid, enter judgment on the said action for the sum thereby demanded, for which he shall be paid One Shilling; and execution shall issue on the said judgment as has been accustomed, and be proceeded on at all times in the year, in like manner as executions issuing from the Court of Exchequer are: but if an appear-

ance is within the said time entered by the defendant, then the said action shall be called at the first ensuing Court of Common Pleas, to be afterwards held for that precinct, even although the Court should not proceed on any other business, and shall be then heard and determined by one or more Justices of the said Court, according to the form prescribed by the said Act: And in case the plaintiff cannot prove the debt or demand, the said defendant shall be examined on oath concerning the same, and judgment given accordingly for what by his examination shall appear to be due; but if the said defendant shall not appear at the said Court, or, appearing, shall refuse to be sworn and examined, then the said plaintiff shall be examined on oath, and judgment entered for what shall on such examination appear to be justly due, and execution shall issue, and [be] proceeded on in manner aforesaid; and no action or suit brought in manner aforesaid, shall be nonsuited for any informality in law, but judgment shall be given according to the mere right; and in case it shall appear to the said Justice or Justices, that the plaintiff or defendant in any such action, is necessarily and unavoidably put to employ an attorney to prosecute or defend the suit, the reasonable and usual charge or fee of such attorney, shall by the said Justice or Justices, be taxed against the person cast, who shall be compelled to pay the same as well as all other necessary charges and expences; and the whole shall be raised by execution in the usual manner, to be proceeded on as aforesaid: and if judgment shall be entered up against any person on any such action or suit brought in manner aforesaid, on a false return made by the Marshal or any of his deputies, the person aggrieved by such judgment shall and is hereby enabled to recover his damages unjustly sustained by means of such return, against the said Marshal, by action brought in the manner herein before prescribed; as also any person is likewise hereby enabled to do, who may suffer or be injured by a wilful delay or neglect of the Marshal, in not causing the action to be served and duly returned.

If an appearance is entered, the action shall be tried at the first Court afterwards. If the plaintiff cannot prove his demand, the defendant is to be examined on oath; if he refuses to be sworn, the plaintiff is to be examined on oath, and judgment given for what shall be found due, on which execution is to issue as aforesaid. Such action not to be nonsuited for any informality in law. Costs to be allowed, if the plaintiff or defendant is unavoidably put to employ an attorney therein. If judgment is entered up against any person on such action, on a false return of the Marshal, or if any person is injured by a wilful delay or neglect of the Marshal, in not serving the action, &c., the person aggrieved may recover his damages from the Marshal, by action.

No. 33.

No. 33.

25 May 1742.

25 May 1742.]—AN ACT to prevent Circuity of Suits, between persons dealing with and crediting each other.

WHEREAS it often happens on trials of actions in the Courts of Law in this Island, that the defendant has credited the plaintiff with divers goods, wares, and merchandizes; or has some other good and sufficient demand to set against that of the plaintiff, which if admitted and allowed of, no recovery could be had against the defendant, or not for so much as otherwise according to the strict course of law must be, and therefore recoveries have often been made for the full sum demanded against the defendant, who has been compelled to commence a suit in equity to prevent paying the same, or to bring an action at law for obtaining satisfaction of his demand; which has been attended with great trouble and expence, and sometimes one of the parties has been obliged to pay what was recovered against him, and before the determination of his suit the other party has become insolvent, and the debt entirely lost, which ought in justice to have been allowed and discounted; Be it therefore enacted by the Honourable James Dottin, esq., President of his Majesty's Council, and Commander-in-Chief of this and all other his Majesty's Caribbee Islands, to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that in all actions of the case for or by reason of any sale, loan, or contract, and also in all actions of debt, except actions of debt and specialties with condition, it shall and may be lawful for the defendant in every such action, to plead in bar or give in evidence to the Jury, any loan of money, sale of goods, wares and merchandizes, or work done or performed; the value whereof being duly proved shall be set

CLAUSE 1. In actions of debt, except on specialties with condition; and in all actions of the case, or sale, loan, or contract, the defendant may plead in bar, or give in evidence, any money, goods, &c., the value being proved is to be set against the plaintiff's demand; and if

No. 33.

25 May 1742.

It shall exceed the same, the plaintiff to pay full costs. N.B. A set off must now be pleaded, see Rule No. 38. Proviso.

against the demand of the plaintiff and deducted therefrom; and if it shall appear that the whole demand of the plaintiff or so much thereof as is proved by him or her to be due, is satisfied and discharged by such allowance and discount being made as aforesaid, the plaintiff shall be condemned in full costs to be paid to the defendant.

Provided nevertheless, that no defendant shall take advantage of this Act, on the trials of any such actions as aforesaid, unless he or she give notice in writing to the plaintiff, or to his or her attorney-at-law, six days at least before the trial, of the quality and value of every such matter and thing as is intended to be given in evidence at the trial; neither shall any other matter or thing be allowed or discounted, but such only whereof notice shall be given in the manner aforesaid.

And it is further enacted, That in all such actions as aforesaid, to be brought by any person as executor or administrator, the defendant shall have the same allowance and discount, and under the same proviso or regulation, as such defendant would have had by virtue of this Act against the testator or intestate of such executor or administrator, in an action brought for the same cause by such testator or intestate; so likewise in all such actions of the case as aforesaid, to be brought against any person as executor or administrator, the defendant shall have the same allowance and discount, and under the same proviso or regulation, as the testator or intestate of such defendant would have had by virtue of this Act, in an action brought for the same cause against such testator or intestate.

CLAUSE 2.

On actions brought by or against executors or administrators, the same discount, &c., and under the same limitations, as herein before is directed.

No. 34.

27 December 1744.

No. 34.

27 December 1744.]—AN additional ACT to the Act, entitled "An Act for preventing excessive Gaming."

Preamble.

CLAUSE 1.

Persons permitting, encouraging, or conniving at apprentices or servants, knowingly playing, or attending any game, forfeit to the use of the party aggrieved 5*l*. to be recovered before a Justice of the Peace.

Who is to use all legal methods for discovering the offence, and convicting the offender.

CLAUSE 2.

A person thrice convicted of the said offence, besides the above forfeiture, is to pay 15*l*. to the Treasurer, by execution from him.

THAT all apprentices and servants may be effectually prevented from misapplying or wasting any part of their time at gaming or betting; Be it enacted by his Excellency Sir Thomas Robinson, Baronet, his Majesty's Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that every person living in or having the use and command of any house, room, shop, yard, garden or back-yard, who shall, directly or indirectly, permit, suffer, or any ways encourage or connive at any person whom he knows or is apprized is an apprentice or servant to another, to play, bet, or attend any game or play, shall forfeit and pay to the King's most excellent Majesty, his heirs and successors, for every such offence, to the person aggrieved and complaining, the sum of Five Pounds; to be recovered and the payment enforced, as in case of servant's wages, before any Justice of the Peace in this Island; who is hereby empowered and required to use all legal methods for discovering the offence, and convicting the offender.

And be it further enacted by the authority aforesaid, That every person who shall be thrice convicted of the offence before mentioned, shall upon every such third conviction, be adjudged by the said magistrate to pay, over and above the forfeiture aforesaid, the sum of Fifteen Pounds to the Treasurer of this Island for the time being; to be raised by execution from the said Treasurer, in the same manner as the duty of excise is raised; and which shall be applied to the uses of the Excise Act for the then current year; and such offender if he keep a public-house, shall from thenceforward be disabled from doing so, without a new licence for that purpose.

No. 35.

No. 35.
19 September 1745.

19 September 1745.]—AN ACT to Quiet the Inhabitants of this Island in the peaceable possession of their Estates, and for removing the causes of expensive and vexatious Suits in relation thereto.

WHEREAS according to the established form of executions issuing from the Preamble.

Courts of common law in this Island, they are not expressly returnable, and it has not therefore been usual for the officers to make any returns thereof, by which means a practice has been long introduced of issuing out those writs merely for the sake of binding the personal estate and as a further security, without any intention of procuring immediate satisfaction; as likewise of levying such executions many years after their dates, and when either the conusor or conusees or both may have been dead: And whereas all lands here have ever been looked upon as chattels for the payment of debts, though what remain afterwards do descend to the heir-at-law or go to the devisee; and on that principle, or perhaps by virtue of some express law, not now to be found, has been customary for Marshals to extend estates of land, and to execute bills of sale for the same in fee or otherwise, according to the interest the debtors had therein, although the executions did in truth issue on judgments obtained only against executors or administrators: And whereas proceedings of the like nature have also from time to time been had with regard to decrees obtained, as well in the Court of Chancery, as in the equity side of the Court of Exchequer, and writs of execution issuing thereon; all which have appeared not very regular to such as were unacquainted with the laws, constitution, and practice of this place: And whereas the rights, possessions, and inheritances of the inhabitants thereof, who for the most part hold under titles which were at one time or other acquired in manner aforesaid, may possibly hereafter without the aid of the Legislature, be called in question, and they or many of them put to great expence in defending the same, who yet as well as their ancestors, thought themselves secure under so general a usage: To the end therefore that all inconveniences of that sort may be prevented, so far as it is right to provide against them; and that no persons may unjustly suffer in their interests, on account of any such proceedings as aforesaid, when there appears to have been no manner of fraud or collusion on the part of those in possession, or of such under whom they claim; and that the law may be explicit, and certain for the future in these respects: Be it enacted by his Excellency Sir Thomas Robinson, Baronet, Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands, lying and being to windward of Guadeloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That no person who is now or shall hereafter be seized or possessed of any lands, buildings, or other property or effects, by virtue of any levy, extension, sale or conveyance grounded upon, and in pursuance of any judgment, decree, and execution fairly had, obtained and made conformable to the usage and practice observed in this Island on such occasions, shall be in any way disturbed or molested in the quiet and peaceable possession and enjoyment thereof, according to the estate and interest which he, she, or they shall have therein, pursuant to the import of the bill of sale for the same, on pretence that any such proceedings were irregular, and not entirely correspondent to the practice of England; but when any such proceedings as aforesaid, shall be excepted to or attempted to be vacated, and set aside by any original process or otherwise, if, on a proper inquiry to be made in the respective Courts where such question may arise, it shall appear the same were absolutely free from any fraud or collusion, and agreeable to the usage and practice which then obtained here, such proceedings shall be deemed, as they are hereby declared to be, good, valid, and effectual to all intents and purposes whatsoever.

CLAUSE 1.
No person seized or possessed of lands, &c., in pursuance of any judgment, &c., and by virtue of any levy, &c., fairly obtained, and conformable to the practice of this Island, shall be disturbed in the peaceable possession thereof, according to his estate therein, on pretence of such irregular proceedings, as are mentioned in the preamble of this Act. When such proceedings are accepted to, and on a proper inquiry it shall appear that the same were free from any fraud, and agreeable to the practice then used, such proceedings shall be declared valid.

No. 36.
5 July 1748.

Vide 12 Geo. II., c. 28;
and Nos. 29 & 38.

Preamble.

CLAUSE 1.

No person to set up or keep any place under the denomination of a sale of houses or goods, by way of lottery, &c.

Or print proposals or deliver tickets, &c., under the penalty of 500*l.*, half to the informer, who is to sue for it, and the remainder to the Treasurer, for the uses of the Excise Act.

CLAUSE 2.

See 33 H. 8, c. 9.
All games with dice, or device in the nature of dice, to be deemed games within this Act. Persons keeping any place or table for any games, however called or distinguished, shall forfeit 500*l.* to the uses as in Clause 1.

CLAUSE 3.

Sales of houses, lands, &c., by any game depending on chance or lot are declared void; and such houses, lands, &c., set up and exposed to sale as aforesaid, to be forfeited and divided as directed in Clause 1. And in all suits for any of the above matters, the plaintiff to have his full costs.

No. 36.

5 July 1748.]—AN ACT for the more effectual preventing of excessive and deceitful Gaming.

WHEREAS the laws now in force in this Island, for preventing excessive gaming, have not removed the inconveniences and mischiefs arising from lotteries, raffling, and gaming, by using and practising whereof many of his Majesty's subjects have been ruined and others impoverished, by wasting that time they might and ought to have usefully employed; to remedy which evils, therefore, for the future, and the more effectually to prevent all excessive and deceitful gaming; Be it enacted by his Excellency Henry Grenville, esq., Captain-General and Governor-in Chief of this and all other his Majesty's Caribbee Islands to windward of Guadeloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person or persons shall, after the publication of this Act, erect, set up, continue or keep any office or place, under the denomination of a sale of houses, lands, plate, jewels, ships, goods, or other things by way of lottery; or by lots, tickets, numbers, or figures, cards or dice, or shall print, write, advertise, or publish, or cause to be made, printed, wrote, advertised, or published, proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by chances of the prizes in any lottery or lotteries; or shall deliver out, or cause or procure to be delivered out, tickets to the persons advancing such sums, to entitle them to a share of the money so advanced, according to such proposals or schemes; or shall expose to sale any houses, lands, plate, jewels, ships, goods, or other things, by any game, method, or device whatsoever, depending upon or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever, such person or persons, and every or either of them, shall upon being duly convicted thereof in any Court of record in this Island, forfeit to the King's most excellent Majesty, his heirs and successors, and lose the sum of Five Hundred Pounds; to be recovered by any informer suing for the same, who shall be entitled to one moiety of the said forfeiture, and the other to be delivered to the Treasurer of this Island for the time being, to be by him applied to the uses of the Excise Act, then in force.

And be it further enacted by the authority aforesaid, That all and every game and games invented or to be invented, with one or more dice, or with any other instrument, engine, or device in the nature of dice, having one or more figures or numbers thereon, are and shall be deemed to be games or lotteries by dice, within the intent and meaning of this Act; and all and every person and persons who shall set up, maintain, or keep any office, table, or place for any game or games, however known, called, or distinguished, shall severally forfeit to the King's most excellent Majesty, his heirs and successors, the sum of Five Hundred Pounds, to be recovered in manner and for the uses aforesaid.

And be it further enacted by the authority aforesaid, That all and every sale or sales hereafter made of houses, lands, plate, jewels, ships, goods, or other things by any game, lottery or lotteries, machine, engine, or other device whatsoever, depending upon or to be determined by chance or lot, shall and are hereby declared to be void to all intents and purposes whatsoever; and all such houses, lands, plate, jewels, ships, goods, and other things set up and exposed to sale in manner and form aforesaid, shall be forfeited, recovered, and divided in manner aforesaid; and in all bills, plaints, or informations for any the matters aforesaid, the plaintiff or informant shall recover his full costs of suit, according to the course of the Court.

Provided always, and it is hereby enacted and declared, That nothing herein contained shall extend or be any ways construed, deemed, or taken to extend, or in any sort to affect or prejudice any estate or interest in, out of, or to any lands, tenements, or other estate or effects, which shall or may at any time or times hereafter, be according to the laws now in being, legally allotted to or held by, or by means of any allotment or partition by lots; but that all persons who now are, or that hereafter shall become really and truly seized as part owners, joint-tenants, and tenants in common of any lands, tenements, or other estate or effects, shall, and he, she, and they, and his, her, and their heirs, executors, administrators, and assigns, is and are hereby made, and continued capable to accept, and take such estates and interests, and parts therein in such and the like manner, and to such and the like uses, as he, she, or they might, would, or could have done, by or by virtue, or in consequence of any lot, scroll, chance or allotment whatsoever, had this present Act never been made; anything herein contained to the contrary thereof notwithstanding.

Provided also, that nothing herein contained shall extend, or be any ways construed, deemed, or taken to extend to the debarring or preventing the making use of, in private houses, backgammon-tables, and the other games usually played with the backgammon-tables, or of any sort of game with cards, when the same is used merely for amusement, and as an innocent diversion.

No. 36.
5 July 1748.

CLAUSE 4.
Nothing herein to extend to prejudice any estate, which may by any law now in being, be legally allotted, or held by lot.
12 Geo. 2, c. 28.

No. 37.

7 February 1748.]—AN ACT concerning Apprentices.

No. 37.
7 February 1748.

5 Eliz., c. 4.
43 Eliz., c. 2.
Preamble.

WHEREAS some doubts have arisen, whether apprentices placed out with the consent of the parent or guardian, be binding on the infants, in like manner as if placed out by a Justice of Peace and Churchwarden, as parish children usually are; Be it enacted by his Excellency Henry Grenville, esq., Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the publication hereof, all indentures, articles, or contracts of apprenticeship, signed and sealed by any under the age of twenty-one years, with the consent of the parent or guardian, shall be sufficient to oblige such infant to serve his or her master or mistress, during the term mentioned in the indenture or articles, to all intents and purposes, as in case of any other apprentice whatsoever.

CLAUSE 1.
Indentures, &c., signed and sealed by a minor, with the consent of the parent or guardian, sufficient to oblige such minor to serve the master, during the term mentioned in the indenture, &c.

And be it further enacted by the authority aforesaid, That if any dispute shall happen betwixt the master or mistress of any such apprentice so placed out as aforesaid, and the apprentice, which cannot be settled and accommodated by the interposition of the parent or guardian, complaint may be made on either side to any two neighbouring Justices, who are hereby empowered and required to hear and determine the same by a due examination of witnesses on oath; and if it shall appear to the said Justices, that the said master or mistress has been guilty of such gross behaviour, as to render it improper for the said apprentice to serve out his time, they are forthwith to discharge such apprentice from the said service, and to transfer him or her to such other person for the remainder of the term, as the parent or guardian shall think fit, and can procure to accept of, and take such apprentice.

CLAUSE 2.
Disputes between such apprentice and the master, which cannot be accommodated by the parties, are to be settled by two Justices.

If the master shall be in fault, they are to discharge the apprentice, and to transfer him to such other person, as the parent or guardian shall think fit, for the remainder of his time.

And it is hereby further enacted, That from the time of such acceptance, the new master or mistress, and the said apprentice, shall in all respects be on the same terms, as if the said apprentice had been first bound to him or her, so accepting and taking such apprentice for the residue of the term; but if it appear to the said Justices, that any such

CLAUSE 3.
The new master and apprentice to be on the same terms, as if such apprentice had been first bound to

No. 37.

7 February 1748.

him. If the apprentice be in fault, the Justices are to order him home to his master, and to his duty, on the penalty of being committed to gaol until his compliance.

No. 38.

19 May 1754.

apprentice be in the fault, the said Justices are to order such apprentice, on the penalty of being committed to gaol till a compliance, immediately to repair home to his master or mistress, there to continue and perform his duty for the residue of the term then to come; and to be liable as before to such moderate correction, as is allowed by the laws of England in the like cases.

No. 38.

19 May 1754.]—AN ACT to reduce the rate of Interest to Six per Cent.

Preamble.

CLAUSE 1.
No person shall upon any contract, take for loan of money or goods, above six per cent. per annum; and all contracts, bonds, and assurances made for above that rate, shall be void.

And every person who shall accept, or receive any loan or interest above that rate, shall forfeit treble the value of the money or goods lent, exchanged, or shifted—half to the public, and half to the informer—to be sued for in any Court of record.

CLAUSE 2.

Ten per cent. allowed for the damages and interest upon protested bills of exchange.

CLAUSE 3.
Repealed.

WHEREAS it appears that a reduction of the rate of interest will be attended with manifest advantages to the public, and prove very beneficial to the advancement of trade, and the improvement of lands in this Island: Be it therefore enacted by his Excellency the Honourable Henry Grenville, esq., Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That no person or persons whatsoever, from and after the end of one month after the commencement of this Act, upon any contract which shall be made from and after the said time, shall take directly or indirectly for loan of any moneys, goods, wares, merchandise, or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all judgments, bonds, contracts, and assurances whatsoever made after the time aforesaid, for payment of any principal or money to be lent, or covenanted to be performed upon, or for any usury, whereupon or whereby there shall be reserved or taken, above the rate of six pounds in the hundred as aforesaid, shall be utterly void: And that all and every person or persons whatsoever who shall after the time aforesaid, upon any contract thereafter to be made, take, accept and receive by way or means of any corrupt bargain, loan, exchange, chievement, shift, or interest of any goods, wares, merchandise, or other thing or things whatsoever, or by any deceitful way or means whatsoever; or by any covin, engine, or deceitful conveyance for the forbearing or giving day of payment for any whole year, of and for their money or other thing, above the sum of six pounds for the forbearing of one hundred pounds for the year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence, the treble value of the moneys, goods, wares, merchandises, and other things so lent, bargained, exchanged and shifted: all which forfeitures to be to his Majesty, his heirs, and successors, to the uses following, that is to say, one moiety to the King's most excellent Majesty, his heirs and successors, to and for the several uses of the Act of Excise that shall be in force at the time of the receiving such forfeiture; and the other moiety to him or them who will sue for the same in any Court of record in this Island, by action of debt, bill, plaint, or information, wherein no essoign, wager of law, or protection shall be allowed.

And whereas it has been usual in Acts passed in this Island for the reduction of interest, to estimate the damages on protested bills of exchange at the same rate; but forasmuch as eight per cent., much less six per cent., is not equivalent to the disappointment: Be it enacted by the authority aforesaid, That upon the protest of a bill or bills of exchange, to be drawn after the end of one month after the commencement of this Act, ten per cent. shall be taken or allowed; and so in proportion for a greater or lesser sum, for the damage and interest upon the bill so protested as aforesaid.

And be it further enacted by the authority aforesaid, That this Act shall not be of force or take effect, till his Majesty's pleasure shall be known and declared in this Island, concerning the same.

[Confirmed 28 February, and published 19 May 1754.]

No. 38.
19 May 1754.

CLAUDE 4.
This Act not to take effect, until his Majesty's pleasure is known and declared in this Island concerning it.

No. 39.

19 May 1754.]—AN ACT to allow Interest on all Debts ascertained by Judgments.

No. 39.
19 May 1754.

WHEREAS the securing of interest on all debts ascertained by judgments, may tend to establish a greater punctuality in dealing, and prevent many suits and litigations; Be it therefore enacted by his Excellency the Honourable Henry Grenville, esq., Captain-General and Governor-in-Chief of this and all other His Majesty's Caribbee Islands, to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That on all suits which shall be commenced in any Court of law within this Island after the commencement of this Act, except suits for the recovery of penalties and forfeitures, the said court in the rendering judgment for the plaintiff, for the sum ascertained and recovered on a demand not carrying interest, shall award interest for the same, at the rate of six per cent. per annum, from the day of the commencement of the said suit, until the same is fully paid or satisfied; unless the sum recovered was due before, and then from the day it became due, and ought to have been paid; and on a demand carrying interest, where the jury, according to the practice hitherto used, will by their verdict ascertain the interest due, and find the same in damages, the said court shall award interest for the principal money recovered in debt, to be continued and paid at the rate of six per cent. per annum, from the day of publication of the said verdict, until the same shall be fully paid and satisfied; and the executions issuing on such respective judgments, shall in pursuance thereof, accordingly empower the Marshal or his deputy, to raise the interest so respectively awarded, together with the sum or sums so as aforesaid ascertained and recovered.

And be it further enacted by the authority aforesaid, That this Act shall not be of force or take effect, till his Majesty's pleasure shall be known and declared in this Island, concerning the same.

[Confirmed 28 February, and published 19 May 1754.]

Preamble.
CLAUDE 1.
On all actions to be brought in any Court of law, except for the recovery of penalties and forfeitures, the Court in rendering judgment on a demand not carrying interest, shall award interest thereon at 6 per cent. per annum, from the day the suit was commenced, until the same shall be fully paid.
If the sum recovered was due before, then from the day it became due.
On a demand carrying interest, the Court shall award interest for the principal in debt, to be continued and paid at six per cent. per annum, from the publication of the verdict, until the same shall be fully paid; and the Marshal is to raise the interest so awarded, together with the sum recovered.

CLAUDE 2.
This Act not to take effect, until the King's pleasure is known, and declared here concerning it.

No. 40.

22 June 1755.]—AN ACT to direct how the Service of Process of Courts of Equity in this Island may be rendered effectual against such Persons as either abscond or avoid personal service on them; or such as having Estate or Effects here, reside in parts beyond the Seas, and cannot be served with such Process, as refuse to appear.

No. 40.
22 June 1755.

Vide Stat. 5 Geo. 2, c. 25.

WHEREAS sometimes persons have withdrawn themselves beyond the seas or otherwise absconded to avoid appearing in Courts of equity, or being served with process for that purpose, or when served on their attorneys here, or left at the last place of their abode, have refused to appear; and others who have estates and interests here, but live in parts beyond the seas, and out of the jurisdiction of any of the Courts of equity in this Island, having attorneys in this Island with power to prosecute but not to appear and defend suits; or who have no attorneys here, and

Preamble.

No. 40
22 June 1735.

5 Geo. 2, c. 25.

CLAUSE 1.

If in any suit commenced or to be commenced in any Court of equity, the defendant in any process issued, shall not cause an appearance to be entered according to the rules of Court; and an affidavit be made that such defendant is beyond sea, or cannot be found to be served, and that there is ground to believe he absconds to avoid being served; the Court may order the defendant to appear at a certain day; and a copy of such order within 14 days, put up at the offices of the Register, Secretary, and Clerk of the Courts, and inserted in the Gazette.

And if the defendant does not appear within the time appointed, on proof of such publication to be filed with the Register, the plaintiff's bill shall be taken *pro confesso*, and the Court may make a decree thereon, and issue process for sequestration, or ordering the effects to be in the plaintiff's possession, or otherwise. And the Court may order payment to the plaintiff out of such effects so sequestered, on his giving proper security to abide by the order of Court, for restoring the effects upon the defendant's appearing, to defend such suit, and paying the plaintiff's costs.

Proviso.

If the plaintiff neglects to give such security, the effects to be under the directions of the Court, until the defendant's appearance, or such decree shall be made as the Court shall think equitable.

yet are or may be necessary parties to bills in equity for conformity, or to prevent pleas and demurrers for want of proper parties, and who, not being amenable to such process, refuse likewise to appear: For remedy of the inconveniences thence ensuing, and to establish the like methods in this Island with respect hereto as are provided in an Act of Parliament of the fifth year of his most excellent Majesty's reign: Be it enacted by his Excellency the Honourable Henry Grenville, esq., his Majesty's Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands lying and being to windward of Guadaloupe, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that if [in] any suit which hath been or hereafter shall be commenced in any Court of equity in this Island, any defendant or defendants against whom any subpoena or other process shall issue, shall not cause his, her or their appearance to be entered upon such process, within such time and in such manner as, according to the rules of the Court, the same ought to have been entered in case such process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of such Court that such defendant or defendants is or are beyond the seas; or that upon inquiry at his, her, or their usual place of abode he, she, or they could not be found, so as to be served with such process, and that there is just ground to believe that such defendant or defendants is or are gone off this Island, or otherwise [do] abscond to avoid being served with the process of such Court; then and in such case the Court out of which such process issued may make an order directing and appointing such defendant or defendants to appear at a certain day therein to be named; and a copy of such order shall, within fourteen days after such order made, be published by notice in writing, to be put up on the doors of the offices of the Register in Chancery, the Secretary, and the Clerk of the Common Pleas, and also inserted in the Barbados Gazette, if such there be, for the time being: And if the defendant or defendants do not appear within the time limited by such order, or within such further time as the Court shall appoint, then, on proof made of such publication of such order as aforesaid, by affidavit, to be filed with the Register of the said Court, the Court may order the plaintiff's bill to be taken *pro confesso*, and make such decree thereupon as shall be thought just; and may thereupon issue process to compel the performance of such decree, either by an immediate sequestration of the real and personal estate and effects of the party so absenting, if any such can be found, or such part thereof as may be sufficient to satisfy the demands of the plaintiff or plaintiffs in the said suit; or by causing possession of the estate or effects demanded by the bill to be delivered to the plaintiff or plaintiffs or otherwise, as the nature of the case shall require; and the said Court may, and is hereby required to order such plaintiff or plaintiffs to be paid and satisfied his, her, or their demands out of the estate or effects so sequestered, according to the true intent and meaning of such decree, such plaintiff or plaintiffs first giving sufficient security in such sum as the Court shall think proper, to abide such order, touching the restitution of such estate or effects, as the Court shall think proper to make concerning the same, upon the defendant or defendants' appearance to defend such suit, and paying such costs to the plaintiff or plaintiffs as the Court shall order.

Provided always, That in case such plaintiff or plaintiffs shall refuse or neglect to give such security as aforesaid, then the said Court shall order the estate or effects so sequestered, or whereof possession shall be decreed, to be delivered, to remain under the directions of the said Court, either by appointing some person or persons to be receiver or receivers of the profits thereof or otherwise, as to such Court shall seem meet, until the appearance of the defendant or defendants to defend such suit, and his, her, or their paying such costs to the plaintiff or plaintiffs as the said Court shall think reasonable, or until such decree shall be made therein as the Court shall think just.

No. 40.
22 June 1755.

And it is hereby further enacted by the authority aforesaid, That if [in] any suit which hath been or hereafter shall be commenced in any of the Courts of equity in this Island, an affidavit hath been or shall be made to the effect hereinbefore specified, any defendant or defendants, against whom any subpoena or other process shall issue, and who shall have either an attorney at law or a constituted attorney or attorneys here, by a power of attorney recorded in the Secretary's office in this Island, the service of such process on such attorney or attorneys here, shall be deemed good service on the principal; and if such attorney or attorneys shall refuse or neglect to enter the appearance for his, her, or their attorney or attorneys, according to the rules or method required by the said Court, or to appoint a clerk, solicitor, or attorney of such Court to act in his, her, or their behalf respectively, such Court may appoint a clerk in Court, or attorney of such Court, to enter an appearance for such defendant or defendants respectively, and such proceedings may thereupon be had in the cause as if the party had actually appeared.

Provided always, That if the person against whom any decree shall be made, upon refusal or neglect to enter his, her, or their appearance, or appoint a clerk in Court, or attorney, to act in his, her, or their behalf, shall be in custody or forthcoming, so that he, she, or they may be served with a copy of such decree, then he, she, or they shall be served with a copy thereof before any process shall be taken out to compel the performance thereof.

Provided also, That if any decree shall be made in pursuance of this Act, against any person or persons being out of this Island, or absconding in manner aforesaid, at the time such decree is pronounced, and such person or persons shall, within seven years after making such decree, return or become publicly visible, then and in such case, he, she, or they shall likewise be served with a copy of such decree, within a reasonable time after his, her, or their return or public appearance shall be known to the plaintiff or plaintiffs; and in case any defendant against whom such decree shall be made, shall, within seven years after the making such decree, happen to die before his or her return into this Island, or appearing openly as aforesaid, or shall, within the time last before mentioned, die in custody, before his or her being served with a copy of such decree, then his or her heir, if such defendant shall have any real estate requested, or whereof possession shall have been delivered to the plaintiff or plaintiffs, and such heir may be bound; or if such heir shall be a *feme-covert*, infant, or *non compos mentis*, the husband, guardian, or committee of such heir respectively; or if the personal estate of such defendant be sequestered, or possession thereof be delivered to the plaintiff or plaintiffs, then his or her executor or administrator, if any such there be, may and shall be served with a copy of such decree, within a reasonable time after it shall be known to the plaintiff or plaintiffs that the defendant is dead, and who is his or her heir, executor, or administrator, or where he, she, or they respectively may be served therewith.

Provided always, That if any person or persons so served with a copy of such decree, shall not within six months after such service appear and petition to have the said cause re-heard, such decree so made as aforesaid shall stand absolutely confirmed against the person and persons so served with a copy thereof, his, her, and their respective heirs, executors, and administrators, and all persons claiming, or to claim by, from, or under him, her, or them, or any of them, by virtue of any act done, or to be done, subsequent to the commencement of such suit.

Provided nevertheless, That if any person so served with a copy of such decree, shall within six months after such service, or if any person not being so served shall within seven years next after the making such decree, appear in Court and petition to be heard, with respect to the matter of such decree, and shall pay down, or give security for payment of such costs, as the Court shall think reasonable in that behalf, the person or persons so petitioning, his, her, or their respective representatives,

CLAUSE 2.
If in any suit commenced or to be commenced, the defendant has an attorney-at-law, or constituted attorney by power recorded, process may be served on such. On his neglect to enter an appearance for his attorney, according to the rules of Court, or to appoint a solicitor to act for him, the Court may appoint one to enter an appearance, &c. Proviso.

But if the person against whom a decree shall be made upon such his neglect, shall be forthcoming to be served with a copy, he shall be so served before process issues to compel the performance thereof. Proviso.

That if any decree shall be so made against any absent or absconding person, and he shall within seven years after return or appear, he shall be served with a copy; and if he shall within seven years after die, before his return or appearance; or shall within that time die in custody before he has been served, his heir, if any real estate is sequestered, &c., and such heir may be bound. If it is a *feme-covert*, infant, or *non compos*, the husband, guardian, or committee of such heirs, or if the personal estate is sequestered, &c., then the executor or administrator, if any, shall be served with a copy of such decree. Proviso.

But if any person so served, shall not within six months after appear, and petition for a rehearing, such decree shall stand absolutely confirmed.

Proviso.
And if a person so served, shall within six months afterwards, or if a person not served shall within seven years appear in Court, or his representative, and petition

44 *To enable Creditors to recover out of Effects of absconding Debtors.*

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for a re-hearing, and secure the costs, then such proceedings shall be had thereon, as if no decree had been made, or proceedings had in the cause.

CLAUSE 3.
If any person against whom such decree shall be made, his heir, &c., shall not within seven years appear, petition for a re-hearing, and secure the costs, such decree shall stand confirmed: and at the end of such seven years, the Court may make such further order as shall be just, according to the circumstances of the case.

CLAUSE 4.
This Act not to be of force, until his Majesty's pleasure shall be signified and declared in this Island.

or any person or persons claiming under him, her, or them, respectively, by virtue of any act done before the commencement of the suit, may be admitted to answer the bill exhibited, and issue be joined, and witnesses on both sides examined; and such other proceedings, decree, and execution may be had thereon, as there might have been in case the same party had originally appeared, and the proceedings had then been newly begun, or as if no former decree or proceedings had been in the same cause.

Provided nevertheless, and be it enacted, by the authority aforesaid, That if any person or persons, against whom such decree shall be made, his, her, or their heirs, executors, or administrators, shall not, within seven years next after the making such decree, appear and petition to have the cause re-heard, and pay down or give security for payment of such costs as the Court shall think reasonable in that behalf, such decree made as aforesaid, shall stand absolutely confirmed against the person or persons against whom such decree shall be made, his, her, and their heirs, executors, and administrators; and against all persons claiming or to claim by, from, or under him, her, them, or any of them, by virtue of any act done, or to be done, subsequent to the commencement of such suit; and at the end of such seven years, it shall and may be lawful for the Court to make such further order as shall be just and reasonable, according to the circumstances of the case.

And be it further enacted, by the authority aforesaid, That nothing contained herein, shall be of force or effect, until his Majesty's royal pleasure shall be signified and declared in this Island, of and concerning the same.

[Confirmed 25 February, and published 22 June 1755.]

No. 41.
22 June 1755.

No. 41.

22 June 1755.]—AN ACT to enable Creditors to recover their just Debts, out of the Effects of their absent or absconding Debtors.

Preamble.

The process directed by this Act, is somewhat in the nature of foreign attachments in London.

CLAUSE 1.

If an absent or absconding debtor leaves behind him outstanding debts, goods, or merchandise, any judgment creditor may attach them in the hands of the person with whom they may be found, by serving him with a *scire facias*.

WHEREAS several dishonest and ill-minded men, after having obtained credit by an appearance of fair dealing, take up large quantities of goods and merchandise upon trust from several persons, and then either abscond and hide themselves in private places in this Island, so that they cannot be found to be served with any action at law, or intrust their effects with some person or persons for their use, so that such effects cannot be found to be attached and levied upon, by virtue of any execution against them, or else carry themselves in a private and clandestine manner out of this Island, and the jurisdiction of the Courts thereof, leaving powers of attorney behind them, enabling such attorneys to collect in their outstanding debts, and to sell and dispose of their effects, and remit the whole produce thereof to them in parts beyond the seas, to the great loss and detriment of such persons as had given them credit; for preventing which mischief, Be it enacted, by his Excellency the Honourable Henry Grenville, esq., his Majesty's Captain-General and Governor-in-Chief of this and all other his Majesty's Caribbee Islands lying and being to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That in case any person, being indebted, either absconds or departs from this Island, leaving any outstanding debts or goods and merchandise behind him or her, it shall and may be lawful for all or any of the judgment creditors of such absconding or departed debtors, from and immediately after the commencement of this Act, to attach the moneys, goods, and effects of such absconding or departed debtor, in whose hands, possession, custody or power soever the same are or may be found, by serving such person or persons in whose hands, possession, custody, or power such moneys, goods, and effects of such

absconding or departed debtor are or may be concealed, with a summons in the nature of a writ of *scire facias*, to be issued from the Court where the said judgment was obtained, and from which the said execution issued, in the words or to the effect following, viz.—

“ George the Second, &c., To our Marshal of our Court of
“ or his lawful Deputy, greeting.

“ WHEREAS A. B. (the plaintiff in the judgment) hath lately, in our
“ said Court of _____), and by the judgment of our said
“ Court recovered against C. D. (the defendant in the judgment)
“ the sum of _____ (if it is in debt say), debt, and also the
“ sum of _____ for his damages, which he sustained, as well
“ by the detention of the said debt, as for his costs and charges
“ by him about his suit in that behalf expended (if it is in
“ damages, say), the sum of _____ in damages, also the sum
“ of _____ for his costs and charges, &c. (as before), whereof
“ he is convicted, as appears to us, of record. And whereas the
“ said C. D. hath lately absconded or departed from our said
“ Island, so as not to be amenable to the said Court, but before
“ or since his departure or absconding, G. H. (here name the
“ person to be served), stood, and still continues to stand, in-
“ debted to the said C. D. in the sum of _____, or some other
“ sum of money, and had, and now has, in his hands, custody,
“ possession, or power, several goods, and effects and merchan-
“ dise belonging to and in trust for, the said C. D. or either (as
“ the case shall be), and the execution of the said judgment yet
“ remains to be executed, as by the suggestion of the said A. B.
“ in our said Court we have understood: Wherefore the said
“ A. B. hath beseeched us to grant him a remedy in the pre-
“ mises, and we being willing that what is just in this behalf
“ should be done, do command you, that you give notice to the
“ said G. H. that he be and appear in our said Court, on the
“ _____ day _____ next ensuing (here mention the
“ first day whereon the ensuing Court is or ought to be held),
“ to show if he has or can say anything for himself, why the
“ debt and damages (or damages and costs, as the case is) afore-
“ said, ought not to be levied on the money, goods, or effects of
“ the said C. D., in the hands, possession, custody, or power of
“ the said G. H., according to the force, form, and effect of the
“ recovery aforesaid, if he shall think fit, and further to do and
“ receive what our said court shall then and there consider con-
“ cerning him in this behalf, and have there then this writ.

“ Witness, &c.”

And such service of the process aforesaid, being on the person, or a copy of the said summons, or writ of *scire facias*, being by the Marshal or his deputy, left at the place of the person's residence, shall be sufficient warning and caution to him, her, or them, not to pay the money due, nor to deliver such goods or effects as shall then be in his, her, or their hands at the time of such service, either to such debtor absconding or departed, or to any other person or persons for the use of such absconding or departed debtor.

And be it further enacted, That it shall and may be lawful, to and for any creditor and creditors of such absconding or departed debtor, who hath, and have not, or shall not at the time of such absconding or departure, have obtained judgment against such absconding or departed debtor, to enter an action in the precinct where such creditor or creditors shall live and reside, against such absconding or departed debtor, setting forth the nature of the debt or demand; and serve the same upon such person or persons as stand any way indebted to the said absconding or departed debtor; or such person or persons in whose hands, custody, possession or power, any goods or effects of such absconding or departed

A service on the person, or a copy left at the place of his residence, shall be sufficient warning to him, not to pay the money, or deliver the goods, &c., to such debtor, or to any, for his use.

CLAUSE 2.
A creditor not having a judgment, may enter an action against the absent or absconding debtor, and serve it on any person indebted to him, or in whose hands any effects are; which service on the person, or a copy of the action left at his

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place of residence, shall be sufficient warning to him, not to pay the money, or deliver the effects, &c.

If after such service he should pay the money, &c., he shall pay the plaintiff his debt, or so much thereof as he can prove on a trial.

Proviso.
That the names of the persons to be served are particularly mentioned at the bottom of the action and the copy.

CLAUSE 3.
The person so served at the suit of a judgment creditor, is to appear by his attorney at the first Court, and at the suit of a creditor not having a judgment, the fourth Court after service; and show cause why the money, &c., should not be condemned to the use of the plaintiff; or he may plead that he has no money, &c., in his hands; or any other special matter.

CLAUSE 4.
If plaintiff obtains a verdict, or the garnishers fail to appear as aforesaid, judgment shall not be entered until fourteen days after such verdict given, or default made. Nor may the plaintiff have execution until he put in bail, that if the absent or absconding debtor, shall within a year appear in Court, and dis-

debtor shall be at the time of such service, or both; which service of the said action being on the person, or by a copy of the same being left by the Marshal or his deputy, at the place of the person's residence, shall be sufficient warning and caution to such person or persons so served, not to pay the money due, nor to deliver such goods or effects as shall then be in his, her, or their hands, at the time of such service, either to such debtor absconding or departed, or to any other person or persons for the use of such absconding and departed debtor: And in case any person being so indebted to or having any goods or effects of such absconding or departed debtor, shall after such service pay the said debt, or deliver the said goods and effects to the said absconding or departed debtor, or to any other person or persons for his use, such person or persons so served, shall pay the plaintiff or plaintiffs in such writ or writs of *scire facias*, and action or actions, the whole or so much of their several demands, as they shall be able to prove on a trial to be had for the same in such Court as aforesaid; the said money and goods being hereby declared to be attached to the use of such plaintiff or plaintiffs, from and after such service as is before directed.

Provided always, That at the bottom of every such action, and the copy thereof, the name or names of the person or persons, to be served, shall be thus particularly mentioned, *viz.*—

“A. B. C. D., &c. To be personally served with a copy of this action, “or a copy thereof to be left at his, her, or their place of residence; as there shall happen to be one or more person or persons so to be served.”

And be it further enacted by the authority aforesaid, That it shall and may be lawful for such person or persons so served at the suit of all or any of the judgment creditors, to appear by his, her, or their attorney or attorneys, in the Court from whence such writ or writs of *scire facias* issued, on the day whereon the next Court shall or should be held after such service, and shew cause, if any he, she, or they can, why the money or goods so attached, should not be condemned to the use of such plaintiff or plaintiffs; or may plead that he, she, or they hath or have not any money or effects of the debtor so absconding or departed in his, her, or their hands, possession, custody, or power; nor had at the time of his, her, or their being so served as aforesaid; or any other special matter: And also that it shall and may be lawful, to and for such person or persons so served at the suit of such creditor or creditors of such absconding or departed debtor, as has or have not now, or shall not at the time of such absconding or departure, have obtained judgment for his, her, or their debt or demand, to appear by his, her, or their attorney or attorneys, in the Court whence the said action issued on the day whereon the fourth Court shall or should be held after such service, and shew cause if any he, she, or they can, why the money or goods so attached should not be condemned to the use of such plaintiff or plaintiffs; or may plead that he, she, or they hath or have not any money or effects of the debtor so absconding or departed, in his, her, or their hands, possession, custody, or power, nor had at the time of his, her, or their being served as aforesaid; or any other special matter.

And be it further enacted by the authority aforesaid, That in case the plaintiff or plaintiffs shall obtain the verdict of a jury in his, her, or their favour upon trial of such suit or suits, action or actions, or the person or persons so served shall make default, and fail to appear by his, her, or their attorney or attorneys as aforesaid, judgment shall not be entered upon such verdict, or against such person or persons making such default, until fourteen days after such verdict obtained, or default made; nor shall the said plaintiff or plaintiffs have any execution or executions, on such judgment or judgments, until the plaintiff or plaintiffs in such suit or suits, action or actions, shall by recognizance, put in bail into the said Court, such as the Court shall approve of, conditioned that if the said debtor so absconding or departed shall appear in the said Court

within the term of one year, to commence from the day of entering up the said judgment, and can discharge himself or herself of the money condemned in Court, and prove, that he or she did not owe anything, or not so much to the plaintiff or plaintiffs, as at the time in the said writ or writs of *scire facias*, or action, or actions is mentioned and set forth; that then and in such case the money so recovered, or the goods levied on and attached be forthcoming, and repaid or returned back to the said original supposed debtor, or the real and *bond fide* value of such goods or so much thereof as shall be proved not to be due as aforesaid. But if the debtor so absconding or departed, shall not appear in the said Court within the time aforesaid, and discharge himself or herself of the money so condemned, and prove that he or she did not owe anything to the said plaintiff or plaintiffs, or not so much as at the time in the said writ or writs of *scire facias*, or action or actions, is set forth, that then and from thenceforth the said judgment shall stand and remain indefeasible, either in law or equity, until satisfaction shall be entered thereon; and the bail entered into by the plaintiff or plaintiffs, shall be thereupon discharged. But if the person or persons so served as aforesaid, shall have made default as aforesaid, and judgment shall be entered up against him, her, or them, neither he, she, nor they shall be relieved against such judgment in any Court, either at law or equity, within this island.

And be it further enacted, by the authority aforesaid, That in case such debtor so absconding or departed, shall, at any time hereafter, commence and prosecute any suit or action, either in law or in equity, against the said person or persons so served, for the money or goods so recovered against him, her, or them, it shall and may be lawful for such person or persons to plead the said judgment obtained against him, her, or them as aforesaid, in bar of such action or suit; and such plea shall be, and is hereby declared to be, an effectual bar to such suit or action. And in case judgment shall be given against the plaintiff or plaintiffs in such suit or action, or he, she, or they become non-suit, the defendant shall have and recover all such costs and charges, as he, she, or they shall swear, he, she, or they has or have been at, and sustained for or by reason thereof, before the Judge of the precinct where such action shall be commenced, or before one of the Masters of the High Court of Chancery in this Island, in case the suit shall be instituted there; it being the intention of this Act that every creditor by decree, or having an equitable demand, shall be entitled equally to be relieved against an absent or absconding debtor; and that the process of the Court of Equity, shall bind and subject the estate and effects of the absent person, as effectually to all intents and purposes, as the same should have been bound and subjected by any process or proceedings in a Court of law.

And be it further enacted, by the authority aforesaid, That any vessel, goods, or effects of any absent person, which shall come to the hands, ordering, or direction of an agent or factor, resident on this Island, shall be deemed and taken, and the same is hereby declared to be assets in the hands of such agent or factor; to be by him produced, or the value thereof accounted for, to answer and satisfy any just demand due to any preceding agent, factor, or creditor of such absent person.

Provided such demand, if contested, be sued for, and established in like manner as is herein-before provided for, with respect to demands due and owing from other absent or absconding debtors.

And to the end that all just and reasonable encouragement be given to the discovery of debts due to, or of the effects of such debtor so absconding or departed from this Island, Be it enacted, by the authority aforesaid, That such person as shall first discover such debts and effects of such person so absconding or departed from this Island, shall be preferred to all others who shall thereafter sue for the same, be the debt or demand of him or her the first discoverer, of what nature or kind soever; and notwithstanding such subsequent suitor or suitors may happen to have a judgment or judgments, or even the prior judgment; and the

charge himself of the money condemned, and prove that he did not owe anything or so much, &c., the said money or goods shall be forthcoming, &c., or the full value thereof. But if he shall not appear, &c., the said judgment shall remain indefeasible, in law or equity, until satisfaction be entered thereon; and the bail shall then be discharged. And if the garnishee make default, and judgment be entered up against him, he is without remedy at Common Law or Equity.

CLAUSE 5.
If such absent or absconding debtor, sues the garnishee for the money or goods recovered, he may plead the judgment obtained against him in bar. And if judgment be given against the plaintiff, or he become non-suit, the defendant shall have all the costs he has been at, before the Judge of the Court, or a Master in Chancery, if the suit be instituted there. The process of the Court of equity to bind the estate and effects of such debtor, as effectually as any proceedings in a Court of law.

CLAUSE 6.
Any vessel or effects of an absent person, which shall be in the ordering of a factor, are assets; to be by him produced, or the value accounted for, to answer any just demand of any creditor of such absentee. Proviso. But if such demand is contested, it is to be proceeded for as before directed, in the case of an absconding debtor. See Cl. 1, 2.

CLAUSE 7.
Whoever shall first discover debts due, or effects belonging to an absconding debtor, shall be preferred to all others, who shall thereafter sue for the same.

No. 41.
22 June 1755.

And the person who first sues, shall be deemed the first discoverer.

Proviso.
But if he neglects to prosecute his suit, he shall lose such preference; and the same shall remain with regard to other creditors, according to their legal priority.

CLAUSE 8.

If the garnishee shall plead he has no money, &c., and the plaintiff cannot prove the contrary, he is at the instance of the plaintiff to discover on oath whether he then has any, how much, or to what value; or had at the time of his being served as aforesaid; and whether he is, or was then indebted to such absent Debtor. If he shall confess that he has money, &c., the plaintiff shall recover as much as he can prove, out of such money, &c., with costs.

But if he swears he has not, nor had any money, &c., such oath shall be conclusive on the plaintiff, and judgment shall be entered up against him, and the defendant shall have costs.

CLAUSE 9.

If the defendant on his examination shall commit, and be convicted of wilful perjury, he shall suffer the penalties inflicted by the Stat. 5 Eliz. c. 9. And the Court shall reverse the said judgment, and give one against the defendant, for what the plaintiff can prove to a jury after such reversal.

Proviso.

But if the original debtor shall appear, or return so as to be amenable to the Courts, the judgment so given against the plaintiff, shall not bar his commencing a suit against such original debtor, for the same demand.

See Clause 8.

person who first sues forth a *scire facias*, or first files an action in manner aforesaid, shall always be deemed the first discoverer.

Provided always, That if such first discoverer and suitor shall wilfully or negligently delay the prosecution of his or her suit, he or she shall, in such case, lose and be deprived of such preference, and there shall be then no preference by virtue of this Act, but the same shall remain with regard to the rest of the creditors of such absconding or departed debtor, according to the legal priority which they already have or shall obtain.

And be it further enacted, That if the person or persons so served, shall plead that he, she, or they has not, nor have any money or effects of such person so absconding or departed, in his, her, or their hands, possession, custody, or power, nor had, at the time of the said service as aforesaid, and the plaintiff in such suit or action cannot positively prove the contrary, it shall and may be lawful to and for the Judges of such Court, as the said suit or action shall be commenced or depending in, and they are hereby required, at the instance of the plaintiff, to tender and administer such defendant or defendants so served as aforesaid, for so they are now to be deemed, as well in the case of an action as a *scire facias*, his, her, or their oath or oaths, therein and thereby requiring such defendant or defendants, to discover whether he, she, or they has or have any money or other effects, and how much and to what value, of such absconding or departed debtor, in his, her, or their hands, possession, custody, or power; or had, at the time of the action or *scire facias* served: and if the defendant or defendants in such action or suit shall confess, that he, she, or they has or have money or other effects of, or stand indebted to such absconding or departed debtor, and how much and to what value, then the plaintiff or plaintiffs in such suit or action, shall recover so much of his, her, or their debt or demand, as he, she, or they shall prove on the trial of such action or suit, out of such money or effects of, or debts due to, such absconding or departed debtor, in the hands of such defendant or defendants, with his, her, or their reasonable costs. But if such defendant or defendants shall upon his, her, or their oath, so to be administered as aforesaid, swear that he, she, or they has not nor have not, nor had at the time of his, her, or their being so served, any money, goods, or effects of the said debtor so absconding or departed, in his, her, or their hands, possession, custody, or power; nor then, at the time of swearing; nor was at the time of being so served as aforesaid anyways indebted to such absconding or departed debtor, such oath shall be conclusive on the plaintiff or plaintiffs in such action or suit, and judgment shall be entered against him, her, or them accordingly: And that the said plaintiff or plaintiffs pay unto such defendant or defendants, his, her, or their reasonable costs.

Provided always, and it is hereby further enacted by the authority aforesaid, That if the defendant or defendants in any such suit or action, shall commit wilful and corrupt perjury, on his, her, or their being examined on his, her, or their oath so to be administered, and shall be thereof convicted, he, she, or they shall be liable to, and suffer such pains and penalties as are inflicted by the statute of the fifth year of the reign of her late Majesty Elizabeth, late Queen of England, chapter ninth, made and provided against such persons who shall commit wilful and corrupt perjury. And from and after such conviction, the Judges of the Court where such suit or action was tried, shall and may, at the instance of the said plaintiff or plaintiffs, reverse the said judgment, and give a new judgment, and award execution for the said plaintiff or plaintiffs against such defendant or defendants so convicted, for so much of the said debt or demand, as the plaintiff or plaintiffs shall be able to prove to a jury after such reversal.

Provided also, That if the said absconding or departed debtor, shall appear in public or return into this Island, so as to become amenable to the Courts thereof, the said judgment so given against such plaintiff or

plaintiffs upon the oath of such defendant or defendants as aforesaid, shall not be any bar to the plaintiff or plaintiffs, in any suit or action to be commenced against such appearing or returning debtor, for the same debt or demand.

And be it further enacted by the authority aforesaid, That if any loss or damage shall ensue to any creditor, by any neglect of the Serjeant-at-Arms or Marshal, in not immediately serving the process directed and delivered to him, such officer shall make good and answer any such loss or damage; to be recovered by the person aggrieved in any Court of record, as so much money had and received by the said officer, for the use of such creditor or creditors.

And be it further enacted by the authority aforesaid, That nothing contained herein shall be of force or effect, until his Majesty's royal pleasure shall be signified and declared in this Island, of and concerning the same.

[Confirmed 25 February, and published 22 June 1755.]

No. 41.
22 June 1755.

CLAUSE 10.
If any loss ensues to the plaintiff, by neglect of the Serjeant-at-Arms, or Marshal, such officer shall make it good; to be recovered in any Court of record by the party aggrieved.

CLAUSE 11.
This Act not to be of force, until his Majesty's pleasure is declared in this Island, concerning it.

No. 42.

No. 42.
16 February 1762.

16 February 1762.]—AN ACT for prevention of Frauds and Perjuries.

For prevention of many fraudulent practices, which are commonly endeavoured to be upheld by perjury, and subornation of perjury, Be it enacted, by his Excellency Charles Pinfold, esq., his Majesty's Captain-General and Governor-in-Chief of this, and all other his Majesty's Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the commencement of this Act, all leases, estates, interests of freehold or terms of years, or any uncertain interest of, into, or out of, any messuages, lands, tenements, or hereditaments, made or created by livery and seizin only, or by parole, and not put in writing and signed by the parties so making or creating the same, or their agents thereunto lawfully authorised by writing, shall have the force and effect of leases or estates at will only, and shall not, either in law or equity, be deemed or taken to have any other or greater force or effect, any consideration for making any such parole leases or estates, or any former law or usage to the contrary notwithstanding. Except, nevertheless, all leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the landlord during such term, shall amount unto the full or near the value of the thing demised. And moreover, that no leases, estates, or interest, either of freehold or term of years, or any uncertain interest of, into, or out of, any messuages, lands, tenements, or hereditaments, shall, at any time after the commencement of this Act, be assigned, granted, or surrendered, unless it be by deed or note in writing, signed by the party so assigning, granting, or surrendering the same, or their agents, thereunto lawfully authorised by writing, or by act and operation of law.

Preamble.
CLAUSE 1.

Leases, &c., by livery and seizin, or parole, not put in writing and executed, to have only the force of leases or estates at will. Except leases not exceeding three years, whereon the rent reserved amounts to, or near the value of the thing demised. No leases, &c., to be assigned, granted, or surrendered, unless by deed in writing duly executed; or by operation of law.

And be it further enacted by the authority aforesaid, That from and after the commencement of this Act, no action shall be brought whereby to charge any executor or administrator, upon any special promise, to answer damages out of his own estate, or whereby to charge the defendant, upon any special promise, to answer for the debt, default, or miscarriages of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorised.

CLAUSE 2.
No action shall be brought against any executor, &c., upon any special promise to answer damages out of his own estate; or to charge the defendant for debts, &c., of another. Or upon any agreement not to be performed within one year, unless the same be reduced into writing, and signed by the party chargeable therewith.

No. 42.
16 February 1762.

CLAUSE 3.

All devises of lands or tenements, to be in writing, signed by the party, &c., and attested and subscribed in his sight, or hearing, by two or more witnesses.

Proviso.

Not to extend to wills, &c., written throughout in the handwriting of the testator.

No devise in writing of lands, tenements, or any Clause thereof revocable, but by some other will or codicil in writing, or by cancelling, tearing, &c., the same, by or in the testator's presence, and by his directions.

CLAUSE 4.

Declarations of trusts of lands or tenements, to be in writing; or by any last will in writing, otherwise void.

Proviso.

Except such as arise by construction of law, or be transferred or extinguished by operation of law.

CLAUSE 5.

Grants and assignments of any trusts shall likewise be in writing, otherwise void.

CLAUSE 6.

No nuncupative will shall be good, where the estate exceeds 30*l.* in value, unless proved by three witnesses, &c. Nor unless made in the last sickness of, and where the deceased had been resident ten days; except he was taken sick, and died from home.

CLAUSE 7.

No testimony shall be received to prove any nuncupative will, except the substance thereof were committed to writing, within six months after the speaking the testamentary words.

And be it further enacted by the authority aforesaid, That from and after the commencement of this Act, all devises and bequests of any lands or tenements, any ways devisable, shall be in writing, and signed or acknowledged by the party so devising the same, or signed by some other person in his presence, and by his expres directions, and shall be attested and subscribed in the presence, sight, or hearing of the said testator, by two or more credible witnesses, or else they shall be utterly void and of none effect.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to any last will or testament, devise or bequest, which shall be written throughout in the proper handwriting of the testator or devisor. And moreover, no devise in writing of lands, tenements, or hereditaments, or any clause thereof, shall, at any time after the commencement of this Act, be revocable otherwise than by some other will or codicil in writing, or other writing declaring the same, or by burning, cancelling, tearing, or obliterating the same by the testator himself or in his presence, and by his directions and consent; but all devises and bequests of lands and tenements shall remain and continue in force, until the same be burned, cancelled, or torn, or obliterated by the testator, or his directions, in manner aforesaid; or unless the same be altered by some other will or codicil in writing, or other writing of the devisor, signed in the presence of two or more witnesses, declaring the same; any former law or usage to the contrary, notwithstanding.

And be it further enacted by the authority aforesaid, That from and after the commencement of this Act, all declarations or creations of trusts, or confidences of any lands, tenements, or hereditaments, shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect.

Provided always, That where any conveyance shall be made of any lands or tenements, by which a trust or confidence shall or may arise or result by the implication or construction of law, or be transferred or extinguished by an act or operation of law, then, and in every such case, such trust or confidence shall be of like force and effect as the same would have been if this Act had not been made; anything hereinbefore contained to the contrary notwithstanding.

And be it further enacted, That all grants and assignments of any trust or confidence, shall likewise be in writing, signed by the party granting or assigning the same by such last will or devise, or else shall likewise be utterly void and of none effect.

And for preventing of fraudulent practices in setting up nuncupative wills, which have been the occasion of much perjury, be it enacted by the authority aforesaid, That from and after the commencement of this Act, no nuncupative will shall be good, where the estate thereby bequeathed shall exceed the value of thirty pounds, that is not proved by the oaths of three witnesses at the least, that were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them, bear witness that such was his will, or to that effect, nor unless such nuncupative will were made in the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she had been resident for the space of ten days or more next before the making of such will, except where such person was surprised or taken sick, being from his own home, and died before he returned to the place of his or her dwelling.

And be it further enacted, That after six months passed after the speaking of the testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony, or the substance thereof, were committed to writing within six days after the making of the said will; and that all such witnesses as are or ought to be allowed

to be good witnesses upon trials at law, by the laws and customs of the realm, shall be deemed good witnesses to prove any nuncupative will.

And be it further enacted, That no letters testamentary or probate of any nuncupative will, shall be granted or allowed of, until fourteen days at the least, after the decease of the testator be fully expired; nor shall any nuncupative will be at any time received to be proved, unless process have first issued to call in the widow or next of kindred to the deceased, to the end they may contest the same if they please.

And be it further enacted, That no will in writing, concerning any goods, or chattels, or personal estate, shall be repealed; nor shall any clause, devise, or bequest therein be altered or changed by any words, or will by word of mouth only; except the same be in the life of the testator committed to writing, and after the writing thereof, read unto the testator and allowed by him, and proved to be so done, by two or more credible witnesses.

Provided always, That notwithstanding this Act, any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his moveables, wages, and personal estate, as he or they might have done before the making of this Act.

And be it further enacted, That all exemplifications of wills and letters testamentary, and of guardianship, duly authenticated in the usual and accustomed manner, and transmitted hither and allowed of by the Governor or Commander-in-Chief of this Island for the time being, shall be allowed, deemed, and taken as proof of the original will, to all necessary, legal, and equitable purposes, in all and every the Courts of law and equity in this Island, in like manner, as if the original will, had been transmitted to this Island, and proved before the Governor or Commander-in-Chief, and Ordinary for the time being, and letters testamentary of guardianship had been here granted thereon. And that all powers of attorney from any executor or guardian duly qualified, residing in Great Britain or any of his Majesty's colonies or plantations, shall be good and valid to all intents and purposes, as if such executor or guardian had been qualified in this Island.

Provided nevertheless, That all and every person and persons whatsoever, residing in the kingdom of Great Britain or elsewhere, as executor or guardian, shall be amenable themselves or by their attorneys or attorney, to all and every the Courts of law and equity in this Island, as if he, she, or they personally resided here, and service of any writ, subpoena, or process on their attorneys or attorney, shall be deemed good service on the principal, to all necessary, legal, and equitable purposes.

And whereas by an Act made in the twenty-fifth year of the reign of his late Majesty King George the Second, of blessed memory, entitled, "An Act for avoiding and putting an end to certain doubts and questions, relating to the attestation of Wills and Codicils concerning Real Estates in that part of Great Britain called England; and in His Majesty's Colonies and Plantations in America;" it is declared, "That the said Act, and all clauses, matters, and things therein, shall extend to such of the British colonies and plantations in America, where the Act of the 29th Car. II., viz.—for prevention of frauds and perjuries, is by Act of Assembly made, or by usage received, as a law; or where the attestation and subscription of a witness or witnesses are made necessary to devises of lands, tenements, or hereditaments, and shall have the same force in the construction of or for the avoiding of doubts upon the said Acts of Assembly, and laws of the said colonies and plantations, as the same ought to have, in the construction of or for avoiding of doubts upon the said Act of 29 Car. II. in England." Now it is enacted and declared to be the true intent and meaning of this present Act, that the said Act of the twenty-fifth of his said late Majesty, shall from the publication hereof, be in force in this Island to all intents and purposes whatsoever, so far as the said statute of the

What witnesses shall be allowed.

CLAUSE 8.

When nuncupative wills shall be received to be proved, and when letters testamentary, &c., shall be granted thereon.

CLAUSE 9.

No written will or any part thereof, concerning personal estate, shall be altered by any words; except the same be reduced to writing, read unto and allowed by the Testator.

Proviso.

Soldiers in service, and mariners at sea, may dispose of their wages and personal estate, as before the making of this Act.

CLAUSE 10.

Exemplifications of wills, letters testamentary, and of guardianship, duly authenticated, transmitted and allowed of by the Commander-in-Chief, deemed as proof, to all legal purposes, in all the Courts of law and equity, as if the original will had been transmitted and proved, &c.

Powers of attorney from any executor or guardian, duly qualified and resident beyond seas, shall be as valid, as if such executor, &c., had been qualified here.

Proviso.

All persons resident beyond seas, as executors or guardians, amenable by themselves or attorneys, to the Courts of law and equity; and service of any process on their attorneys, deemed good service on the principal.

Vide 25 Geo. 2.

Vide 29 Car. 2.

CLAUSE 11.

Declares: the Stat. 25, Geo. 2, shall be in full force in this Island so far as the said Stat. 29 Car. 2 is hereby meant.

No. 42.
16 February 1762.

CLAUSE 12.
Commencement of
this Act.
This part of the
Clause was complied
with.

Clerks of the several
Parishes, to furnish
their parishioners
with copies of this
Act, on payment
of 5s.

29th Car. II. is hereby meant, mentioned, or intended to be put in force in the said Island.

And be it further enacted by the authority aforesaid, That this Act shall not take effect or be in force in this Island, until two months after the publication; nor take effect or be in force, with respect to persons absent from this Island, until six months after publication; and in the meantime, that is for the space of two months, the same shall be openly and deliberately read by the respective Clerks, in the several churches of this Island, on every Sunday, during divine service, that is to say, immediately before the communion service, notwithstanding any former Act to the contrary; to the end, that all persons may be duly apprised of the true purport and meaning of the said Act. And further, that the Clerks of the several parishes in this Island, shall and they are hereby required to furnish all and every the parishioners thereof, respectively, who shall desire the same, with true and perfect copies of this Act; for every such copy whereof, the said parish clerks shall receive five shillings, and no more.

No. 43.
11 May 1762.

No. 43.

11 May 1762.]—AN ACT to regulate Sales at Outcry, and the proceedings of Persons executing the office of Provost Marshal-General of this Island, and their under Officers.

Preamble.

WHEREAS notwithstanding the several laws to regulate sales at outcry, and the proceedings of persons executing the office of Provost Marshal-General of this Island, such irregular and unwarrantable practices have been lately introduced, as are become altogether grievous and intolerable to the inhabitants of this Island, as well in respect to the proceedings of the acting Deputy Marshal himself, as of the under officers by him deputed: To the end therefore that justice may be done, and all cause of complaint may for the future be removed, in relation to the particulars aforesaid, Be it enacted by his Excellency Charles Pinfold, esq., his Majesty's Captain-General, Governor, and Commander-in-Chief of this, and all other the Caribbee Islands to windward of Guadeloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That for the future, whenever any personal estate shall be attached on any execution, if the defendant chooses to keep them, the same shall not or any part of them, on any pretence whatever, be taken out of the possession of the person from whom they are attached; but shall be left to be produced by such person on the day of sale, upon a summons for that purpose according to the ancient usage and custom; but that such long accustomed indulgence hereby intended to be continued to the debtor, by permitting him or her still as usual to retain his or her effects after they have been attached, may not afford him or her an opportunity of defrauding the creditor, it is hereby provided that if the creditor, or his or her representative, shall have good cause to suspect that the debtor intends to make away with the effects so attached as aforesaid, either during the time by law appointed for sale thereof at outcry, or between the expiration of the time limited by law for the sale of goods at outcry, and the coming in of such outcries; then and in such case, the creditor or his or her representative, shall upon oath that he or she has good cause to suspect the same, inform the Chief Judge of the Court thereof; who (in case the said effects shall happen to be attached during the time appointed by law for sale thereof at outcry) shall order the Marshal to take immediately into his custody, all such effects as have been so attached; and if it shall appear that the said effects or any part thereof are not to be found, and the debtor cannot prove to the satisfaction of the said Chief Judge, that such effects are lost or miscarried, without his or her wilful default it shall then be taken for granted, that the said debtor is guilty

CLAUSE 1.

Personal estate attached on execution, the defendant may keep in his own possession, to be produced by summons on the day of sale. But if the creditor or his representative have cause to suspect the effects are intended to be made away with, the Chief Judge on oath made thereof, may order the Marshal to take such effects into his possession, if they were attached during the time appointed for sales at outcry. If the effects or any part thereof cannot be found, the debtor shall prove they are lost without his default, or be declared guilty of making them away, and be proceeded against accordingly. And if such effects were attached between the expiration

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of making them away; and the said Chief Judge is then hereby required to proceed in such manner as is directed by the laws of this Island, in cases of goods made away with by the defendant, after the same have been duly and legally attached. And in case it shall so happen that such effects have been attached from any debtor, between the expiration of the time limited by law for sale of goods at outcry, and the coming in of such outcries; then, and in such case upon such oath as aforesaid, to be made by the creditor or his or her representative, the said Chief Judge shall order the Marshal to require immediate sufficient security for the forthcoming of all such effects as shall be attached during that interval of time. And in case the debtor shall refuse to give or be unable to procure such security, then the said Chief Judge shall proceed in respect to such debtor and his or her effects attached, in such manner as hath been hereinbefore directed, in relation to such effects as shall happen to be attached during the time appointed by law for sale thereof at outcry; and if it shall appear to the said Chief Judge, that the said debtor is guilty of making away with any of his or her effects, after the same have been legally attached, then the said Chief Judge shall proceed against the debtor in such manner as the law directs in that respect.

of the time for sale of goods, and coming in of such outcries, the Chief Judge, on oath made as aforesaid, shall order the Marshal to require immediate security for forthcoming of the effects. Debtor refusing or unable to give sufficient security, to be proceeded against as before directed, during the time appointed for sales at outcry.

And that all persons either creditors or debtors, or their representatives, who think themselves aggrieved by the unfair and collusive proceedings of the officer or party, may be relieved in the premises, Be it enacted, That whosoever shall hereafter be able to shew cause why any sale at outcry should be made void on that account, he or she may by petition to the Chief Judge or Justice of the Peace from whom the execution issued, pray to be heard upon the same, and on a day to be appointed by the said Chief Judge or Justice, for hearing the said petition; which shall be filed or preferred within five days after the sale, or else the said sale and all proceedings had thereon, shall stand valid and unimpeached; the Marshal or other officer, and all persons who can give evidence thereon, shall on notice thereof by summons from the said Chief Judge or Justice, appear before them on the day appointed; and the said Chief Judge or Justice, is hereby fully empowered and strictly required to examine on oath the said Marshal or other officer, and all other persons whatsoever, for the more perfect discovery of the truth, that he may fully determine on the merits of the said petition; which shall be heard within ten days at farthest after the same shall be filed or preferred. And if it shall appear, that the goods or chattels, have been sold in a secret, clandestine, fraudulent or illegal manner, or that the officer attending the sale, hath by means of any illegal or unfair proceeding, contrivance, or collusion, bought the same or procured the same to be bought by any other person, either for himself or his principal, or for any other person, at an under value; or if the principal himself shall by means of any illegal or unfair proceeding, contrivance, or collusion, buy or procure the goods to be bought at an under value; or if any art, fraud, deceit or collusion whatsoever shall appear to have been made use of at such outcry, with the privacy, procurement, knowledge, consent, or contrivance of the said Marshal, or of any of his under officers, or of the Constable, to the prejudice of the debtor or creditor, such sale is hereby declared absolutely void and of none effect; and the said goods and chattels shall be ordered by the Chief Judge or Justice to be again put up to sale at the next market day, fresh notes being first set up for that purpose, when they shall be sold to the best bidder, without any new expence whatsoever to the debtor on that account; and in case that such goods shall have been delivered by the Marshal or the Constable to the buyer, and the buyer shall refuse to re-deliver the same to the Marshal or Constable, in order that they may again be set up to sale, the said Chief Judge or Justice shall issue out an attachment or warrant against the said buyer, and upon his or her being apprehended thereon, shall commit him or her without bail or mainprize to the common gaol of this

CLAUSE 2.
Persons aggrieved by illegal proceedings, and able to show cause why any sale should be void, may within five days after such sale, by petition to the Chief Judge or Justice issuing the execution, pray to be heard thereon.

All persons able to give evidence, shall appear on the day appointed by such Chief Judge or Justice, who shall examine them on oath for better discovery of the truth. Such petition to be heard within ten days after it hath been preferred.

If it appear that any goods or chattels have been sold in a secret illegal manner; or that the principal or officer attending the sale, hath bought or procured the same to be bought by another, for himself or any other person, at an under value; or if any collusion appears to have been made use of at such outcry, the sale declared void.

And fresh notes shall be set up, and the goods sold the next market day, without any new expence to the debtor.

Chief Judge or Justice to issue an attachment against any person, to whom goods have been delivered by the Marshal or Constable, on refusal to

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redeliver the same, that they may be again set up.

And commit the offender to gaol, without bail, until redelivery is made.

Marshal, any under officer, or constable transgressing against this Act, shall forfeit to the party aggrieved, such sum as the Court, from whence the execution issued, or the Justice shall think reasonable.

Proviso.
Forfeiture awarded against the Marshal, under officer, or Constable not to exceed 20*l*. All penalties to which the Marshal is hereby made liable, shall be imposed in open Court, and with the concurrence of the majority of such Court.

Chief Judge to issue execution against the Marshal, failing to pay his fine within two days, directed to the Coroner of St. Michael; who is to proceed as practised by the Courts of Common Pleas.

Justice to issue his warrant against Constable failing to pay his fine within two days, directed to some other Constable to levy and raise the same by distress and sale; and pay the same to the party aggrieved. (On hearing any petition, if there appears no just cause of complaint, the Chief Judge or Justice shall award reasonable costs against the petitioner. On failure of payment, Chief Judge to issue an attachment; and Justice an execution, as in case of servant's wages.

CLAUSE 3.
Creditor or his representative, inclined to indulge a purchaser of effects at outcry, with longer time than is prescribed for payment, such effects, notwithstanding any gift, sale, or other alienation, or death of the purchaser, &c., wherever found, are declared still subject to a writ of 20 per cent. Proviso.

Writ of 20 per cent. to be taken out, and proceeded upon within six months after such sale at outcry. And during that time shall be prior and

Island, there to remain until he or she shall deliver back to the Marshal or Constable the said goods; and the said Marshal, for such transgression, by himself or any of his under officers, and the said Constable so transgressing against the meaning and intention of this Act, shall be adjudged to forfeit and pay for the use of the said party so complaining and aggrieved, such a sum as the Court from whence the writ of execution issued, or the Justice shall think fit and reasonable to award.

Provided always, That such forfeiture or penalty so to be awarded as aforesaid, against the said Marshal, his under officers or the Constable, does not exceed the sum of Twenty Pounds; and provided also, that such forfeiture as aforesaid, as well as all other forfeitures, fines, or penalties, to which the said Marshal shall or may be liable, by virtue of any power given by this Act, to the Chief Judge of his Majesty's Courts of Common-Pleas in this Island, shall not be laid or imposed on the said Marshal, unless in open Court, and not otherwise; anything in this Act contained which may seem to the contrary thereof, in anywise notwithstanding; and in case the said Marshal shall fail to pay such forfeiture within two days after the same is awarded, then the Chief Judge of the said Court, from whence such execution issued, is hereby authorized and required to issue an execution against the said Marshal, and to direct the same to the Coroner of the parish of St. Michael, by virtue of which process the said Coroner is hereby required and impowered to proceed against the said Marshal, in such manner as is usual in cases of levies made by virtue of executions issuing from the Courts of Common Pleas. And in case such forfeiture shall be awarded by any Justice of the Peace against a Constable, the said Justice is hereby impowered and required, on failure of payment within two days after the same is awarded, to issue his warrant forthwith, on application of the party grieved, to some other Constable, requiring him to levy the said forfeiture on the goods and chattels of the said offender by distress and sale thereof, and that he pay the same when levied to the party grieved; but if after a full hearing of any petition brought by the creditor or debtor, on account of unfairness or collusion by the officer or party, on the sale of goods at outcry, it shall appear there was no just or reasonable cause to object to the proceedings at the said outcry, then the said Judge or Justice shall award reasonable costs to be paid by the petitioner; and on failure of payment, the said Chief Judge, shall on application of the party, issue an attachment against the said petitioner, and the said Justice shall in the like case, issue his execution, directed to any Constable, who is to proceed thereon in the same manner as is practised in cases of servant's wages.

And be it further enacted by the authority aforesaid, That if on the sale of effects at outcry by the Marshal or Constable, the creditor, or his or her representative, shall be inclined to indulge the purchaser with a longer time than is prescribed for the payment of the sum bid by him at outcry, such effects in whose hands soever they may be, notwithstanding any gift, grant, sale, devise, livery, transfer or alienation thereof by the purchaser; or notwithstanding the said purchaser should die, and the said effects should thereupon come to the hands of his or her executors or administrators, the same shall nevertheless be deemed, and they are hereby declared to be still subject to a writ of twenty per cent.

Provided such writ be taken out and proceeded upon within six calendar months after such sale at outcry, during which time the said writ is hereby declared to be prior and preferable upon the effects so purchased, to all other judgments and executions; and also to all decrees and processes whatsoever, either in law or equity; and also to all rights, titles, or claims of dower or partition; and to all other rights, titles, or claims, of what nature or kind soever, which may be against such purchaser at outcry, or against any purchaser under him, or against any person to whose possession the said effects may come by any means

whatsoever. But in case the creditor or his or her representative giving such indulgence to the purchaser, shall neglect or forbear to take out the said writ of twenty per cent., and to proceed thereon within the time hereinbefore limited, then the effects so bought at outcry shall be deemed to be incorporated with the other estate and effects of the purchaser at outcry, and to be equally subject to his or her debts and incumbrances, and to all claims, demands, and liens, whatsoever upon or against his or her said estate, as if he or she had actually paid for the same.

And be it further enacted by the authority aforesaid, That it shall be lawful for the Marshal, and the said Marshal is hereby empowered and required, immediately after the expiration of the time by law allowed to the purchaser for payment of the sum bid by him or her at outcry, to apply for and take out a writ of twenty per cent., against such purchaser, in case the creditor, or his or her representative or assignee, shall not, before the expiration of the said time, give notice to the Marshal, in writing, of such his or her intended indulgence to the purchaser as aforesaid; and if the creditor, or his or her representative or assignee, shall not think fit to give such indulgence to the purchaser, and the Marshal or Constable shall refuse or delay, as hath of late been unwarrantably practised, to pay to the creditor, or his or her representative or assignee, what is due on the execution levied, or so much as the goods sold at outcry produced, within twenty days after the time allowed for payment on such sale, or if after the creditor, or his or her representative or assignee, has given such indulgence to the purchaser, he, she, or they shall take out a writ of twenty per cent., and the Marshal or Constable shall be guilty of any affected delays in proceeding thereon, or having proceeded, and raised the money due thereon, he shall not forthwith pay the same to the creditor, or his or her representative or assignee; then and in such case, and in either of the cases before mentioned, the creditor, or his or her representative or assignee, may complain by petition to the Chief Judge or Justice from whom such execution issued, of such delay of payment, which petition shall be heard within ten days at furthest after the same is filed or preferred: and if such complaint be made against the Marshal, the said Chief Judge, unless good and sufficient cause be shown why the money could not be raised and paid, shall issue an execution against the Marshal for the whole sum which he ought to have paid, with the addition of twenty per cent.; which writ shall be directed to the Coroner of the parish of St. Michael, who shall be entitled to demand and receive the like fees thereon as the Marshal himself would be entitled to in the like case, and who is hereby empowered and required forthwith to proceed thereon, in such manner as is usual in cases of levies made by virtue of executions issuing out of the Courts of Common Pleas, and to pay the said money when raised unto the party complaining as aforesaid. And if such complaint be made to any Justice against a Constable, then such Justice, unless good cause be shown to the contrary, shall issue his execution against such Constable for the whole sum which he ought to have paid, with an addition of twenty per cent., which writ shall be directed to some other Constable, who is hereby required forthwith to proceed thereon in such manner as is practised in cases of servant's wages; and if the said Coroner or Constable to whom this or any other writ or process, issuing in pursuance of this Act, shall be directed, shall neglect, refuse, or delay to execute the same, he shall, for such his first contempt, be adjudged by the said Chief Judge or Justice to forfeit, for the use of the party grieved and complaining by petition, any sum not less than Twenty Pounds nor more than Fifty Pounds, to be immediately paid, and on default thereof such offender stand committed without bail or mainprize, until he pays the same; and upon payment thereof the offender so offending shall be strictly enjoined by the said Chief Judge or Justice to execute the said process without delay; and in case such officer shall presume a second time to neglect or refuse to execute such

preferable upon the purchased effects, to all judgments, executions, decrees, and process whatsoever, in law or equity, against the purchaser at outcry, or any other person.

But such preference shall be altogether lost, if the writ of 20 per cent. is not taken out and proceeded on within the time before limited, *i. e.*, six months.

CLAUSE 4. Immediately after expiration of the time allowed for payment of goods bought at outcry, Marshal to take out writ of 20 per cent. against the purchaser, if not otherwise directed by the creditor, or his representative. If no such indulgence is given, and the Marshal or Constable delay to pay to the creditor, or his representative, the sum raised, within 20 days after the time allowed for payment on sales. Or if after such indulgence to the purchaser, the creditor, &c., shall take out a writ of 20 per cent., and the Marshal or Constable be guilty of any affected delays in the proceedings; or having raised the money, and not paid the same forthwith to the creditor, &c., in either of these cases, such creditor, &c., may complain to the Chief Judge or Justice, from whom the execution issued, by petition; which shall be heard within ten days. If the complaint be against the Marshal, and he is culpable, the Chief Judge shall issue execution against him for the sum he ought to have paid, and 20 per cent. thereon, directed to the Coroner of St. Michael. Who shall be entitled to the same fees as the Marshal in the like case; and proceed as usual on executions issuing out of the Courts of Common Pleas, and pay the money when raised,

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to the party complaining.

If the complaint is against a Constable, any Justice of Peace may issue execution against him, for the sum he ought to have paid, with 20 per cent. thereon, directed to some other Constable, to be proceeded on, as in case of servant's wages.

Coroner or constable neglecting the duty hereby required, shall severally forfeit for the first contempt, any sum not less than 20*l.*, nor more than 50*l.*, to the party grieved, and stand committed till he pay the same.

And upon payment strictly enjoined to execute such process without delay.

For the second offence, to be committed to the common gaol for

twelve months without bail. If the Coroner so offend, the Governor on application of the party grieved, and upon certificate of his offence, shall remove him, and appoint another in his stead, who shall execute the former process under the like penalties. Before any writ for raising money from the Marshal, be delivered to the Coroner of St. Michael's, he shall enter into recognizance before the Chief Judge, &c., for the faithful payment of the money to be raised. And on his refusal to give such security, the Governor to remove him, and appoint such other person as will enter into the security. Where the former execution against the Marshal or Constable is lost, the said Chief Judge, or Justice shall issue a new execution, wherein the loss of the former shall be recited.

CLAUSE 5.

And whereas, there is sufficient ground and reason to suspect, that prior creditors have frequently upon sales and extensions, demanded and received satisfaction for the whole sum for which the execution issued, when upon a fair settlement, only a small part thereof was really and *bonâ fide* due, which iniquitous practice, the unfortunate debtor, when all his or her estate and effects are exhausted, and himself or herself totally ruined, is either unable to inquire into, or not sufficiently interested to discover, by means whereof the junior creditors have oftentimes been defrauded of their just debts, when if due credits had been given, the debtor might have had sufficient estate to satisfy the demands of all his or her creditors; For remedy thereof, be it hereby enacted, That whenever directions shall be given for the levying any execution which shall be lodged in the Marshal's office, every creditor or his representative, attorney, or assignee, shall make oath before some one of his Majesty's Justices of the Peace, who is hereby authorized and required to administer the same, of the sum which to the best of his or her knowledge, information, and belief, is justly due from the debtor upon such execution; and such affidavit being first certified under the hand of the said Justice, shall be sent or delivered to the Marshal, for his direction in the raising and payment of the money appearing to be due upon such execution; and the said Marshal is hereby directed and required to file off all such affidavits as he shall so receive, and them safely to keep in his office, for the information of all persons who may have occasion to apply thereto, for an inspection or copy of the same; for every copy whereof the Marshal shall receive two shillings and sixpence, and for every inspection only, he shall receive one shilling, and no more: and unless such affidavit shall be delivered to the Marshal in manner aforesaid, no money whatsoever shall be raised on such executions, nor shall moneys raised on junior

Creditors, &c., on lodging executions, with directions to levy, shall make oath before a Magistrate, of the sum due thereon.

Which shall be certified by the Justice, and left with the Marshal, for the information of all persons having occasion to inspect or take copies of the same.

For every copy the Marshal shall receive 2*s.* 6*d.*, and for every inspection 1*s.* No money shall be raised on any execution, without such affidavit, nor shall moneys raised on junior

executions be deemed applicable to other executions on which affidavits have not been made, but such moneys shall be applied to satisfy such executions only, according to their priority, in respect to which such affidavits shall be made and delivered to the Marshal as aforesaid; reserving always to the people called Quakers, the liberty of making solemn affirmation before a Justice of the Peace in the case aforesaid, which affirmation when certified in manner hereinbefore directed, shall be as valid as an affidavit for the purposes aforesaid. Provided always, that it shall be lawful for all creditors or their representatives, who are absent from this island, and reside within any of the dominions, territories, islands, or plantations belonging to his Majesty, to make such affidavit or solemn affirmation, before any Mayor or Chief Magistrate of any city or town, or before any Judge of any of his Majesty's Courts within the same, the said affidavit or affirmation to be certified under the common seal of such city or town, or the seal of office of such Mayor or Chief Magistrate, or under the seal of such island or plantation where the party shall reside; and every affidavit or affirmation so made and certified, shall be admitted and received by the Marshal, as a good and sufficient affidavit or affirmation, to every intent and purpose within the meaning of this Act, so far as the same relates to the ascertainment of any debts due on executions as aforesaid.

And whereas an Act made the Nineteenth day of December, One thousand six hundred and eighty-eight, entitled "An Act for the better regulating of Outcries in Open Market," has at times been notoriously evaded and transgressed, by the Marshal and other officers attending and managing at such sales at outcry; Be it therefore enacted, That for the future, the acting Marshal and his under officers, and the Constables in all proceedings upon sales at outcry, shall, and they are hereby strictly enjoined to conform themselves to the directions, provisions, and regulations, relating to such sales contained in the said Act, for the better regulating of outcries in open market; and in case any acting Marshal or his under officer, or any Constable, shall presume to act contrary thereto, in any particular mentioned in the said Act relating to sales at outcry, save only in such cases wherein this or any other Act of this Island may have otherwise provided, then upon a petition setting forth the cause of complaint, which petition shall be preferred within five days after such sale by the creditor or debtor, or their representatives, to the Chief Judge or Justice of the Peace, who granted the execution, the said Chief Judge or Justice is hereby required to call the said acting Marshal or Constable before him, and if the matter of complaint shall be fully proved, the said Marshal or Constable shall be adjudged to forfeit and pay for the use of the party grieved, such a sum as the said Chief Judge or Justice shall think fit to award, provided that the same does not exceed the sum of Twenty Pounds; to be raised and levied in such manner as is hereinbefore directed, in case of effects sold in a fraudulent manner, or at an under value, by means of any illegal or unfair proceeding, contrivance, or collusion of the officer; and every such sale as shall be made contrary to the directions of the aforesaid Act, for the better regulating of outcries in open market, shall be absolutely void, and the said goods shall by order of the said Chief Judge or Justice, be again put up to sale at the next market day, fresh notes being first set up for that purpose, without any new expense to the debtor, for fresh notes or otherwise; and in case that the buyer happens to be in possession of the goods so sold, he or she shall be compelled by such method as is hereinbefore directed, in cases of goods sold unfairly, to deliver back the said goods to the said Marshal or Constable, in order that such goods may be fairly sold again.

And whereas, great delays and omissions have of late frequently happened in the service and execution of process, as well through the neglect, connivance, and default of the acting Marshal himself, as of his under officers, which grievance is more particularly felt by suitors, upon

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executions, be applicable to any others, on which affidavits have not been made. Quakers allowed to make affirmation.

Absent creditors, &c., may make oath or affirmation before any Mayor, &c. Which being certified under the seal of such city, town, plantation, &c., where the party shall reside, shall be received by the Marshal, as a sufficient affidavit, &c., within the meaning of this Act.

CLAUSE 6.

Marshal, under officers, and Constables in all proceedings on sales at outcry, shall conform themselves to the directions of Act No. 14.

Offender, except in particular cases, shall on a petition preferred against him, before the Chief Judge, or Justice issuing execution, be adjudged to pay any sum not exceeding 20*l*. to the party grieved; to be recovered as directed by Clause 2.

All sales made contrary to Act No. 14, declared void, and fresh notes shall be set up, without any new expense, and the goods sold at the next market day.

And purchaser, having any effects in his possession, shall be compelled to deliver them to the Marshal, to be re-sold, under the penalties of Clause 2.

CLAUSE 7.

Marshal to deliver to his successor, all process in his hands, within two days to be executed.

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In case of refusal, any Chief Judge may call such former Marshal before him and examine him concerning such contempt, and compel him forthwith to deliver the same. And also to examine him in regard to omissions of, or errors in any returns of process, within twelve months before the expiration of his office.

If it appear that he hath acted contrary to the directions of this Act; or being summoned, shall refuse to appear and answer; or to deliver over all process, &c., to his successor, he shall be fined any sum not exceeding 50*l*. to be immediately paid to the Treasurer for the uses of the Excise Act.

And be committed to the common gaol, without bail, until he pay his fine, purge his contempt, and fully comply with the directions of this Act. Chief Judge to issue new process in any suit depending, if the former process is lost, withheld, or suppressed, &c.

CLAUSE 8.
Every Marshal's officer, before his admission into office, shall take the following oath.

The oath.

Marshal's officer offending herein, whether in or out of office at the time of complaint, shall be brought before the Court from whence the process issued.

the succession of a new acting Marshal; the former officer knowing he should soon be out of office, and therefore neglecting either to serve and execute such process as was then in his hands, or to deliver the same over to the succeeding officer in order to be served and executed; to the end therefore, that no such omissions and neglects of officers, may stop the course of justice for the future, Be it enacted, That upon every future succession of a new acting Marshal, all process then in the hands of the former acting Marshal, shall be by him delivered over to the succeeding Marshal in order that the same may be by him duly served and executed; and in case the former acting Marshal shall refuse or neglect to comply with the directions of this Act in this respect, within two days at farthest after such succeeding Marshal has entered upon his office, the Chief Judge of his Majesty's Court of Common Pleas in this Island, is hereby empowered and required to call before him by summons, such former acting Marshal, and to examine him in regard to all process not by him delivered over to his successor, according to the meaning and directions of this Act, and to enjoin and compel him forthwith to deliver over the same; and also to examine him in regard to all omissions of, or errors in any returns of process made within twelve months next before the expiration or determination of his office; and in case such former acting Marshal shall appear to have acted contrary to the meaning and directions of this Act; or to be faulty in any of the respects aforesaid; or being summoned, shall contumaciously neglect or refuse to appear and answer before the said Chief Judge, who shall issue such summons, or to deliver over such process in manner and form aforesaid; the said Chief Judge who issued such summons is hereby authorized and required to fine such former acting Marshal, in any sum not exceeding Fifty Pounds; the same to be immediately paid to the Treasurer of this Island for the time being, and applied to the uses of the Excise Act for the then current year; and also to commit him to the common gaol of this Island, there to continue without bail or mainprize, until he shall pay such fine, purge his contempt, and fully comply with the directions and intentions of this Act, in regard to the matters hereinbefore mentioned; and the said Chief Judge is hereby empowered, if need be, to issue out new process in any suit depending, in case the former process shall appear to be lost, withheld, or suppressed, by the negligence or contumacy of such former acting Marshal, or of any officer or person by him intrusted with, or appointed to serve the same.

And to the end that all dilatory and corrupt practices among the Marshal's officers may be prevented for the future, and the course of justice rendered as expeditious as possible to suitors, be it also enacted, That every Marshal's officer, shall at and before his admission into office or being capable of executing any duties, be sworn in open Court, or, if the Courts are not then sitting, before the Chief Judge, "Carefully to keep, and duly and speedily to serve all process whatsoever, which shall be to him delivered; and to make no returns of any process, but of such as hath been duly served; and that he will not receive or take, by any colour, means or device whatsoever, or consent to the taking of any manner of fee, reward, gratuity, or other consideration whatsoever, either immediate, future, conditional, or contingent; or any promise or assurance of any manner of fee, reward, gratuity or other consideration whatsoever, for forbearing or delaying to serve or execute any process to him delivered; or for forbearing to summon any inquest or jury returned or to be returned, to serve in any Court of record; but will perform and execute all the duties of his office, faithfully, honestly, diligently, and impartially, without favour, affection, or wilful delay, according to the best of his knowledge, discretion and abilities." And if any Marshal's officer, shall wilfully do or commit any act or acts, contrary to his oath aforesaid, or contrary to the true intent and meaning of this Act, every such officer or person so offending, shall, whether he be in or out of office at the time of the complaint made, upon a petition

preferred or motion made in open Court for that purpose, be liable to be brought by summons or order of that Court from which such process issued, to answer for such his misbehaviour; and if the charge against him shall be proved to the satisfaction of the Court, he shall forfeit for each and every such offence, for the use of the party or parties complaining and aggrieved, such a sum not exceeding Twenty Pounds, as the Court shall think fit to award; and shall also stand immediately committed, by order of the said Court, to the common gaol of this Island, without bail or mainprize, there to continue and remain, until he shall pay his said forfeiture, and obtain his discharge from thence by order of the Court of General Sessions, held for the body of this Island; and such officer or person so offending, shall also be liable to be indicted for wilful and corrupt perjury.

And whereas it has lately happened in several instances, that the effects of strangers have been levied on, either through the mistake or wilful oppression of the officer, the loss of which, especially if they happen to consist of seasoned cattle, cannot be recompensed to the owner, if he is a planter, by any sum of money which the party injured can reasonably expect to recover in damages, upon an action of trespass brought against the Marshal: And whereas it seems doubtful whether an action of trover or detinue can be supported in such case, against the Marshal; to the end therefore, that no person may be injured for the future, in the most valuable part of his property, by false levies, Be it enacted, That in all cases, where the Marshal or his officer shall, by virtue of any execution, make a levy upon the goods or chattels of a stranger, or of any person other than him or her against whom such execution issued; it shall be lawful for the owner or proprietor of the same to bring, at his or her election, either an action of trespass or trover, to recover damages; or an action of detinue, to recover the things themselves so levied on, against the Marshal; provided always, that such action of detinue against the Marshal, shall be filed and served before, and not after the sale of such goods and chattels, as have been so falsely levied on as aforesaid; and the Coroner of the parish of St. Michael, is hereby directed to serve all such actions of trespass, trover, and detinue, against the Marshal, he being first paid such fees as the Marshal himself would be entitled to in the like case, under peril of incurring the like penalties as he is herein before made liable to, for neglecting or refusing to execute such execution as shall be awarded by the Court against the Marshal, on the petition of any creditor, for recovery of the money due to him from the sale of his debtor's effects at outcry. And since delays may be very prejudicial, and perhaps ruinous, to such persons as may be obliged to bring such actions of detinue against the Marshal, especially if they happen to be planters, where cattle are detained; it is hereby ordered and directed, that all such actions of detinue, shall immediately after issue joined therein, be placed at the head of the trials, and shall without fail be called at every Court till the same are tried; and the defendant in all such actions of detinue, in case he pleads an issuable plea, shall file such plea within two days after he has been served with such action, or otherwise judgment shall immediately upon such default, go against him of course for want of a plea; and such issue shall be made up between the parties, so that the cause may be ripe for trial at the second Court at farthest, next after the filing of the said action; at which Court the said cause shall come on peremptorily to be tried, or in default thereof, the plaintiff, if in fault, shall be non-suited; and if the defendant is in fault, judgment shall go against him of course, unless it shall appear to the Court, after the said cause is ripe for trial, that the plaintiff or defendant has summoned, or endeavoured to summon his witnesses, and they do not attend, and are proved material to give evidence at such trial; but in case the defendant shall plead specially or demur to such action, he shall file such special plea or demurrer within four days after he has been served with the same; and the like time and no more shall be allowed to each party afterwards to

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And if the charge is proved, he shall forfeit for every offence, any sum not exceeding 20*l*. to the party grieved. And shall also stand committed until he pay the same, and obtain his discharge by order of the Court of Grand Sessions. And may be indicted for wilful perjury.

CLAUSE 9.
When levies are made on the goods of a stranger, or of any other than him, against whom the execution issued, action of trespass or trover shall lie against the Marshal for damages. Or of detinue for the recovery of the effects; if served before the sale. Coroner of St. Michael to serve such actions, on receiving the fees the Marshal is entitled to, and under the same penalties.

Vide Clause 4.
All actions of detinue brought on this Act, shall immediately after issue joined, be placed at the head of the trials, and be called at every Court until tried. If defendant pleads issuable, such plea shall be filed within two days after service: or judgment pass against him. Second Court after action filed, issue shall be made up, and the cause come on peremptorily. If plaintiff is in fault, he shall be nonsuit, and if defendant is, judgment shall pass of course.

Unless the witnesses were legally summoned, did not attend, and are proved material.

If defendant plead specially or demur to such action, he shall be allowed four days after service.

And the same time afterwards allowed each party, to file their mutual special pleadings, until issue is joined.

Unless further time is given by consent in writing.

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If no such consent is given; and the issue is in fact not made up and ready for trial at the second Court after filing the action; or if paper-books, in case a point of law is to be argued, shall not be delivered to the Court seven days before such 2nd Court, that the matter may then be argued; the plaintiff, if in fault, shall be non-suit, or judgment pass against defendant.

CLAUZE 10. Executions though lodged, shall not be proceeded on, unless the creditor, &c., give express order; or unless some other creditor shall direct a levy to be made. But any creditor, &c., may in writing forbid the Marshal's proceeding on their respective executions. Levies or sales made contrary thereto, to be void. And the Marshal expeditiously to levy such executions as he shall be directed to proceed on. Marshal acting contrary to, or failing or refusing the duty enjoined by this Act, shall for each offence forfeit any sum under 50*l.*, to be awarded by the Chief Judge, &c., and all Acts by him so done, declared void. In default of payment, execution to issue against such Marshal, directed to the Coroner of St. Michael's, who shall proceed thereon as directed by Cl. 4. Vide Cl. 2. If the Marshal persist in acting contrary to the directions of this Act, the Commander-in-Chief, upon application and certificate to him made of such misbehaviour, to suspend the Marshal, and appoint another in his stead. But no indulgence which may be given to a debtor, by a patient creditor, shall prevent the Marshal from proceeding upon the executions of any

file their necessary, mutual, special pleadings in such action, until an issue, either in law or fact, shall be joined between them, unless further time be given for the same, by consent in writing, signed by the attorney for the plaintiff or defendant who shall so consent; and in case no such consent shall be given for further time, and the issue, if it be an issue in fact, shall not be made up and ready for trial, at the second Court next after filing the said action, or if paper books, in case a point of law is to be argued, shall not be delivered to the Court, seven days at least before the second Court next after the filing of such action, to the end that such point of law may be as it is hereby expressly directed, that it shall be, then peremptorily argued and determined, then, if default shall happen to be made on the part of the plaintiff in this respect, he shall be non-suited; and in case such default shall be made on the part of the defendant, judgment shall go against him of course without more delay.

And whereas executions are become the common securities of this Island, and are frequently taken out and lodged in the Marshal's office, by creditors, with no other intention than merely to secure their debts, and to preserve the priority of their demands, without any design of immediately distressing the debtor, which prudent method, taken by an easy and contented creditor for his safety, sometimes has been, and still may be, frustrated, to the prejudice of both parties, by an oppressive or rapacious officer; For the prevention, therefore, of such proceedings, and to the end that such common securities may remain unshaken in respect to creditors, Be it enacted, That no executions, although the same may be lodged in the Marshal's office, shall for the future be levied, unless the creditor, or his representative, attorney, or assignee, shall first give express orders to the Marshal for that purpose, in writing; or unless some other creditor shall direct a levy to be made, in which last case, such of the creditors as please, or their representatives, attorneys, or assignees, shall be still at liberty, by notice in writing, to forbid the Marshal to proceed in respect to such executions only, wherein they themselves, or the persons whom they represent, shall be interested; anything herein contained to the contrary thereof, in anywise notwithstanding. And if any levy or sale shall be made contrary to the directions and intent of this Act, in the respects aforesaid, the same shall be absolutely void; and the said Marshal is also hereby strictly enjoined, on the other hand, to use the utmost diligence and expedition in the levying such executions, as shall be directed to be by him levied as aforesaid; and if the Marshal shall act contrary to the meaning and directions of this Act, or shall fail or refuse to comply with all or any of the directions to him given by any creditor or creditors, or his, her, or their representatives or assignees, in any or either of the respects aforesaid, all acts by him so done shall be absolutely void, and he shall forfeit, for each and every such offence, for the use of the party or parties grieved, such a sum not exceeding Fifty Pounds, as the Chief Judge of the Court from whence such execution issued, shall upon complaint to him duly made by petition, think fit to award; and on failure of payment thereof, within the time limited by the said Chief Judge for that purpose, the Chief Judge of the said Court, is hereby authorised and required forthwith to issue an execution against the said Marshal, directed to the Coroner of the parish of St. Michael, whereon such proceedings shall be had as are hereinbefore directed, upon a levy made, or to be made, by the said Coroner against the Marshal, in case he shall refuse or delay to pay to the creditor, or his representative, attorney, or assignee, what is due on his or her execution, or so much as the goods sold at outcry produced, within the time hereinbefore limited for that purpose; and in case the said Marshal shall, notwithstanding, contumaciously persist in acting contrary to the meaning and directions of this Act, in all or any of the respects hereinbefore or hereinafter mentioned, then, and in such case, his Majesty's Governor or Commander-in-Chief of this Island for the time being, is hereby humbly requested, upon application to him made, and a certificate of such misbehaviour and

offence to him produced under the hand of the Chief Judge of the Court, wherein such matter shall be conusable, immediately to suspend the said Marshal from his office, and to appoint another in his stead. But it is hereby expressly declared to be contrary to the true meaning of this Act, that any such indulgence as aforesaid, which may be given to a debtor by a patient creditor, in respect of his or her own proper demands, shall in anywise prevent the Marshal from proceeding upon the executions of any other creditor against the same debtor, in case such creditor should not be willing to give the like indulgence to the debtor.

And whereas executions are, according to the laws and usages of this Island, frequently assigned by the proprietors thereof, as common securities to creditors; and it is not only reasonable that the parties interested should have free recourse, which has of late been sometimes refused, to such executions, for the purpose of assigning them, as aforesaid, although the same may happen to be lodged in the Marshal's office, but that they should also be entitled to demand and receive a copy or copies of such executions and assignments, on paying for the same; Be it enacted, therefore, That it shall be lawful for the creditor, or his or her representative, attorney, or assignee, to endorse an assignment on the back of any execution, although the same shall happen to be lodged in the Marshal's office; and for that purpose, the said Marshal is hereby directed and required, at the request of any parties interested, or their representatives, to produce such execution, and to permit an assignment, if the same shall be desired, to be endorsed thereon, in such manner and form as the party or his attorney shall think fit: and the said Marshal, thereupon, shall be entitled to demand and receive a fee of one shilling. And it shall be lawful for all creditors, debtors, assignors, and assignees, and their representatives and others, not only to have free recourse to, and inspection of, all executions, and assignments of executions lodged in the Marshal's office wherein they are interested or concerned, but also to demand and receive a copy or copies thereof, on paying a fee of five shillings for every copy of such execution, together with the assignment or assignments, if any, thereon endorsed, the said Marshal having first examined and attested the said copy; and in case such copy, or such liberty of inspection, shall be refused in the said Marshal's office, to any one demanding and tendering the aforesaid fee for the same, on complaint thereof made before the Chief Judge of his Majesty's Court in this Island, the said Marshal being first summoned to appear before the said Chief Judge to answer to the said complaint, shall, on proof of the complaint made, be adjudged to forfeit and pay for the use of the party grieved, for each and every such refusal, as often as the same shall happen to be made, any sum not exceeding Five Pounds, which the said Chief Judge shall think fit to award, the said forfeiture to be raised and levied in such manner as is hereinbefore directed, in case of effects sold in a fraudulent manner or at an under value, by reason of any illegal or unfair proceedings, contrivance, or collusion of the officer.

And whereas it is highly just and equitable that all creditors and assignees, when fully satisfied, should be enabled to enter satisfaction on the judgments whereon such execution or executions shall be grounded; which cannot be done with sufficient certainty, especially if an assignment happens to be endorsed thereon, unless the Clerk of the Court from whence such execution or executions issued, can obtain an inspection thereof, which the Marshal, after the same have been lodged in his office, has of late, contrary to all former established usage and practice, absolutely refused, to the great inconvenience and prejudice of all parties therein interested and concerned: Be it enacted, therefore, That it shall for the future be lawful for the conusee of any judgment whereon execution has issued and been lodged in the Marshal's office, or for the assignee of such execution or executions, or for their or either of their representatives, who may be desirous of having satisfaction entered on the said judgment or judgments, to apply to the Marshal for that purpose,

other creditor, against the same debtor.

CLAUSE 11.
Any creditor or his representative, &c., may endorse an assignment on any execution, though lodged in the Marshal's office; and the Marshal shall produce such execution, and permit any assignment thereon, if desired, on being paid 1s. All creditors, debtors, &c., shall have free recourse to, and inspection of, all executions and assignments lodged in the Marshal's office, wherein they are interested; and may demand copies thereof, on paying 5s. for each copy. Marshal to examine and attest such copies. If such copies or the liberty of inspection shall be refused on demand, and tender of the fee, complaint may be made to the Chief Judge, &c., who shall summon the Marshal to appear and answer the complaint. Which if proved, shall subject him to any penalty not exceeding 5l. to the party aggrieved, for every refusal; to be recovered as directed by Cl. 2, and see Cl. 10.

CLAUSE 12.
The conusee, assignee, &c., of any judgment whereon execution has issued, and lodged in the Marshal's office, desirous of entering satisfaction thereon, may apply to the Marshal, who shall produce and carry the execution to the office of the Clerk of the Court from whence it issued, that satisfaction may be entered with due certainty. And the Marshal

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shall receive 5s. for every such execution. But if he refuse to conform hereto, the Chief Judge, &c., to issue his summons, commanding the Marshal to attend at the time and place appointed, and to bring with him the execution.

Which the said Chief Judge, &c., shall receive from the Marshal, and deliver to the Clerk of the Court, that satisfaction may be entered on the judgment. Clerk of the Court after making entry thereof, strictly enjoined to re-deliver the said execution to the Marshal, having first made an endorsement, as he is expressly to do in all cases.

Purport of the endorsement.

Which the said Clerk shall attest, by signing his name.

Marshal acting in contempt of the order of the Chief Judge, &c., shall be fined any sum not exceeding 50*l.* for the use of the party grieved; to be raised as hereinbefore prescribed.

Vide Clauses 2 and 10. CLAUSE 13.

When any confined debtor shall demand a certificate of the sums raised from his effects; or of the sums still due on unsatisfied executions, with the Marshal's fees; the Marshal upon tender of payment of what the certificate shall amount to, allowing 2*s.* 6*d.* for each execution therein contained, immediately make out and deliver the same. No execution actually discharged, but such only as are then unsatisfied, shall be inserted.

Unless the Debtor expressly require a certificate of all the executions issued against him, with the proceedings.

If all the executions are discharged; or if the Marshal has a surplus in his hands, and no unsatisfied execution then

and to require him to produce such execution or executions; and the said Marshal is hereby required immediately to produce, and to carry, or procure to be carried, without delay, the said execution or executions so by him produced, to the office of the Clerk of the Court from whence the same issued, in order that the said Clerk may, upon the inspection thereof, enter up satisfaction with due certainty upon the judgment, whereon such execution or executions may be grounded: and the said Marshal, for such his trouble and attendance, shall be entitled to have and receive, from the party who request the same, the sum of five shillings and no more, for every such execution; and in case the said Marshal shall refuse to comply with the directions of this Act, in the respect aforesaid, the Chief Judge of the Court from whence any or either of the said executions issued, is hereby authorised and required, on application to him made by either of the parties interested, or their representatives, to issue out his summons to the said Marshal, thereby commanding the said Marshal to attend him at such time and place as he, the said Chief Judge shall appoint, and to bring with him the said execution or executions, which the said Chief Judge is hereby required to demand and receive from the said Marshal, and to deliver over to the Clerk of the Court, in order that he may enter up satisfaction on the judgment as aforesaid; and the Clerk of the said Court, after he has made due entry thereof, is hereby strictly enjoined to re-deliver the said execution or executions to the Marshal, having first made an endorsement thereon, as he is hereby expressly directed to do in all cases whatsoever wherein he shall enter up satisfaction, purporting that the judgment whereon the said execution is grounded is satisfied, as by the record thereof it will appear, which said endorsement the said Clerk of the Court is hereby directed and required to attest, by signing his name at the foot thereof; and in case such Marshal shall act in contempt of the order of the said Chief Judge, such Marshal shall be fined by the said Chief Judge for such contempt in any sum not exceeding Fifty Pounds, for the use of the party grieved; to be raised by execution from the said Chief Judge in manner hereinbefore prescribed.

And whereas it has sometimes happened that unfortunate debtors have been confined in prison, through the default, negligence, or designed oppression of the Marshal, and sometimes under false pretences that all executions in his office against them, or the fees due to him, were not satisfied; when the said debtors, admitting such pretences had been really true, might have extricated themselves from their said confinement, had the Marshal, according to his duty, informed them, or their agents or attorneys, upon application to him made for that purpose, of the true state of such demands, as really appeared against them in his office, and also of such fees as were to him justly due: Be it enacted, That if any confined debtor shall for the future demand, either under his or her handwriting, or by his or her agent or attorney, a true certificate of the amount, either of such sums as have been already raised from his or her effects, or of such sums as are still due from him or her by virtue of unsatisfied executions against them, together with the Marshal's fees justly due thereon, the said Marshal is hereby required, upon payment, or tender of payment, for what the certificate shall amount to, allowing two shillings and sixpence for each execution contained in the certificate, to make out the same immediately, and to cause it to be forthwith delivered to the confined debtor, or his or her agent or attorney who requested it; in which certificate no execution actually satisfied and discharged, but such executions only as are at that time open and unsatisfied against the debtor, shall be inserted; unless such confined debtor shall, in writing, or by his or her agent or attorney, expressly require a certificate of all executions whatsoever, which have issued against him or her, together with the proceedings had thereon by the said Marshal: and in case all executions against the said confined debtor are actually discharged, or in case the said Marshal has in his hands a surplus, arising

from the sale of the said debtor's effects, and no unsatisfied execution, at that time, appears against him or her in the said Marshal's office, he, the said Marshal, is hereby directed and required to pay such surplus immediately upon receipt thereof, to such confined debtor; and in either of the aforesaid cases, to cause him or her to be discharged out of prison, upon being first paid, or having a tender made to him of such fees as are justly due to him at that time; and if the Marshal shall refuse to comply with any of the particulars herein-before required of him, it shall be lawful for the Chief Judge of his Majesty's Court of Common Pleas, upon application made to him for that purpose, to call the said Marshal before him by a summons, and to require the said Marshal to shew the cause of such his refusal; and if he cannot show any good cause for the same, and it shall appear that there are no executions in the Marshal's office then unsatisfied against such debtor, the said Chief Judge is hereby required immediately to discharge him or her out of custody, and to compel the said Marshal to declare upon oath, whether he then has in his hands any surplus arising from the sale of the said debtor's effects, over and above what will discharge the just and legal fees to him due; and if it shall appear that the said Marshal has any such surplus in his hands, due either to a confined or any other debtor, the said Chief Judge shall require him to pay the same to the debtor immediately; and in default thereof, he, the said Chief Judge, shall forthwith issue an execution against the said Marshal for what is due, with twenty per cent. thereon, directed to the Coroner of the parish of St. Michael, whereon such proceedings shall be had, as are hereinbefore directed, upon a levy made, or to be made, by the said Coroner against the Marshal, in case he shall refuse or delay to pay the creditor, or his or her representative or assignee, what is due on his or her execution, or so much as the goods sold at outcry produced, within the time hereinbefore limited for that purpose.

any, debtor, the Chief Judge, shall require him to pay the same immediately. And in default thereof shall forthwith issue an execution against the Marshal, for the sum due, with 20 per cent., directed to the Coroner of St. Michael's: on which such proceedings shall be had, as hereinbefore is directed. Vide Clause 4.

And be it further enacted by the authority aforesaid, That if any person or persons whatsoever, whose testimony or examination is required, or may be necessary, in respect of any matter relating to this Act, or to anything therein contained, shall refuse to attend and be sworn before any Chief Judge or Justice of the Peace in this Island; or if attending and sworn, they shall refuse to give testimony, he, she, or they, for such disobedience to the Law, and contempt of authority, shall be committed, and the said Chief Judge or Justice is hereby expressly required immediately to commit them to the common gaol of this Island, there to be kept in close confinement, without bail or mainprize, till he, she, or they shall comply with the directions and intentions of this Act, by giving such testimony.

And it is hereby enacted and declared, That all and every the penalties and forfeitures in this Act mentioned, shall be, and is, and are hereby given and granted to the King's most excellent Majesty, his heirs and successors, to and for the several uses, intents, and purposes hereinbefore mentioned; and to be raised in the manner hereinbefore particularly prescribed.

No. 44.

5 June 1764.]—AN ACT to prevent or remedy the difficulties and discouragements that attend the Trade of this Island by the Desertion of Seamen and Mariners from Ships and other Vessels in the Merchants' Service, and for establishing an effectual method that proper care may be taken of all Weak and Sickly Sailors and Mariners.

WHEREAS, on the Thirtieth day of October, One thousand seven hundred and fifty four, an Act passed in this Island, entitled "An Act to prevent

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appears in his office, he shall pay the same on receipt, to such confined debtor. Who shall in either case be discharged out of prison, on payment of the Marshal's fees then due.

Marshal refusing to comply herewith, shall be summoned by the Chief Judge to appear and shew the cause of his refusal. Which if he cannot do, and it appears there are no executions in his office against such debtor then unsatisfied, the said Chief Judge, &c., shall immediately discharge him out of custody.

And compel the Marshal to declare upon oath, whether he then has any surplus in his hands, arising from the sale of the debtor's effects, after discharging his legal fees.

If the Marshal has any surplus in his hands, due to a confined or

CLAUSE 14. Any person whose testimony is required in any matter relating to this Act, refusing to attend and be sworn before any Chief Judge, or Justice, or if attending and sworn, refuse their testimony, shall for such contempt, be committed by the said Chief Judge, &c., to the common gaol, without bail, until he comply with this Act.

CLAUSE 15. All the penalties and forfeitures mentioned in this Act, granted to the King and his successors, for the several uses, and to be recovered in the manner hereinbefore prescribed.

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CLAUSE 1.

If a seaman deserts from his vessel, upon application to a Justice of the Peace by the master, &c., the Justice is to issue his warrant, directed to a constable, to search for and apprehend him on shore. The constable authorized by such warrant to enter houses, and in case of resistance, or refusal of admittance, to break open doors and search for such seaman, and if found, to carry him before any Justice.

If such seaman shall refuse to go on board his vessel or proceed on his voyage without sufficient reason, the Justice is to commit him to gaol until the vessel is ready to sail, unless the master apply for his discharge sooner. When he is to be discharged, he is by the Justice's warrant to be carried on board the vessel, the master paying all charges; which he may deduct out of accruing wages.

CLAUSE 2.
Persons harbouring or concealing a seaman deserted from a vessel in the merchants' service, lying in any harbour within this island, or assisting therein, and convicted before two Justices, to forfeit for the use of the owner of the vessel 10*l*. for every seaman; to be levied and raised as servant's wages.

A person receiving, or suffering to remain in his house, a seaman (other than the master

"or remedy the difficulties and discouragements that attend the trade of this Island, by the desertion of seamen and mariners from ships and other vessels in the merchants' service, and for establishing an effectual method, that proper care may be taken of all weak and sickly sailors and mariners," which Act was limited to continue for the term of seven years, and no longer, and consequently expired on the Twenty-ninth day of October, One thousand seven hundred and sixty-one: and as the said Act was found to be beneficial, and therefore necessary to be renewed, with some few alterations that experience has proved ought to be made, to render it more useful for the good purposes intended.

Be it enacted, by his Excellency Charles Pinfold, esq., his Majesty's Captain-General, Governor, and Commander-in-Chief of this and all other the Caribbee Islands to windward of Guadaloupe, &c., the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, if any seaman or mariner, after the publication of this Act, shall wilfully desert, or obstinately absent himself from any ship or vessel, after he hath entered into and signed a contract or agreement to proceed upon any voyage therein, upon application made to any one or more of his Majesty's Justices of the Peace, by the master or commander, owner or owners, or other person having charge of the said ship or vessel, to which such seaman or mariner did belong, it shall and may be lawful for such Justice or Justices, and he or they is, and are hereby empowered and required to issue forth his or their warrant or warrants, directed to one or more constable or constables to search for and apprehend such seaman or mariner on shore; and any constable or constables, by such warrant or warrants, shall have full power and authority to enter into any house, in which he shall have probable cause to suspect that such seaman or mariner is harboured and concealed; and in case of resistance, or that admittance into the house is refused upon demand made, to break open the door of such house, and to search therein for every such seaman or mariner, and if found, to apprehend and carry him or them before such Justice or Justices of the Peace, by whose warrant or warrants he or they were so apprehended, or before any other Justice of the Peace: and if such seaman or mariner shall refuse to go on board the vessel from which he or they had deserted, or to proceed on the voyage which he or they had entered into a contract or agreement to perform, and shall not give a sufficient reason for such refusal to the satisfaction of such Justice or Justices, every such seaman or mariner shall, by the said Justice or Justices, be committed to the common gaol of this Island, there to remain, without bail or mainprize, until the ship or vessel to which such seaman or mariner belongs shall be ready to sail, unless the owner or master of the said ship or vessel shall apply for his or their discharge sooner; and when such seaman or mariner is to be discharged from such imprisonment, the said Justice or Justices is or are to issue his or their warrant or warrants to carry every such seaman or mariner from the said gaol on board the said vessel, the master or commander thereof first paying the fees and charges incurred by the imprisonment of such seaman or mariner, and the carrying him or them on board; which may be lawfully deducted out of his or their accruing wages.

And be it further enacted by the authority aforesaid, that every person or persons who, after publication of this Act, shall, contrary to the true intent and meaning thereof, harbour or conceal, or be aiding and assisting in the harbouring or concealing, any seaman or mariner belonging to any ship or other vessel in the merchants' service, lying in any road or harbour within this Island, who shall have deserted or absented himself as aforesaid, and shall be thereof convicted before any two or more of his Majesty's Justices of the Peace, upon oath of one or more credible witness or witnesses, or on his or her own confession, or by any other legal proof thereof, shall forfeit and pay unto the King's most excellent Majesty, his heirs and successors, for the use of the owner or

owners of such ship or vessel to which such seaman or mariner belongs, the sum of Ten Pounds current money for every such seaman or mariner so harboured or concealed, to be levied and raised by warrant and execution from such Justices, in like manner as in case of servant's wages; and every person who shall receive into, or suffer to remain in his or her or their house any seaman or mariner, other than the master or mates of such ship or other vessel, after eight of the clock at night, unless such seaman or mariner hath licence in writing from the master or chief mate of the ship or vessel to which he belongs, for his being on shore; or was received into or suffered to remain in such house upon account of sickness, shall, upon being convicted thereof in manner aforesaid, forfeit and pay unto the owner or owners of the ship or vessel to which such seaman or mariner belongs, for every such seaman or mariner, over and above the forfeiture and penalties provided in and by a certain Act of this Island, intituled, "An Act to prevent frequenting of taverns and ale-houses by seamen," the sum of Twenty Shillings, to be levied and raised in manner aforesaid.

or mates) after eight o'clock at night, without a licence from the master or chief mate of the vessel for his being on shore, or unless on account of sickness, on conviction to forfeit to the owner of the vessel, 20s. for every seaman, over and above the penalties in the Act here mentioned.

And for the more effectually discouraging any illegal harbouring or concealing seamen or mariners belonging to ships and other vessels in the merchants' service, Be it further enacted by the authority aforesaid, That no such seaman or mariner shall be liable to any arrest, action, or other prosecution, by writ, warrant, or otherwise, for or by reason of any debt or engagement contracted or entered into during the time of their desertion, with the person or persons so harbouring or concealing him or them, or with any other person having notice that such seaman or mariner was at the time deserted from his ship or vessel; but all such debts and contracts shall be adjudged, and they are hereby declared to be void, to all intents and purposes.

CLAUSE 3.
A seaman not liable to any arrest, &c., for a debt contracted during his desertion, with the person harbouring him, or with any other person having notice of his desertion.

And be it enacted by the authority aforesaid, That every master or commander, or other persons having the charge of ships or other vessels in the merchants' service, who shall receive any seaman or mariner belonging to any other ship or vessel in the merchants' service, then in any road or harbour within this Island, to serve on board his ship or vessel, before such seaman or mariner hath been discharged by writing under the hand of the master or commander of the ship or vessel to which he belongs, shall, upon being convicted thereof before any two or more of his Majesty's Justices of the Peace, upon the oath of one or more credible witness or witnesses, or on his own confession, or by other legal proof, forfeit and pay unto the King's most excellent Majesty, his heirs and successors, for the use of the owner or owners of the ship or vessel to which such seaman or mariner belongs, the sum of Ten Pounds current money, for every such seaman or mariner so received to serve on board his ship or vessel, to be levied and raised by warrant and execution from such Justices, in like manner as in case of servant's wages.

CLAUSE 4.
A master of a vessel in the merchants' service, who receives a seaman belonging to another vessel in the merchants' service, to serve on board his vessel, before he has been discharged, on conviction before two Justices, to forfeit, for the use of the owners of the vessel to which such seaman belongs, 10l. for every seaman, to be raised as servant's wages.

And be it further enacted by the authority aforesaid, That in case sufficient estate of the person or persons offending against this Act cannot be found to satisfy the forfeitures which shall be by him, her, or them incurred, the constable shall certify the same to the Justices from whom the warrant and execution issued; and the said Justices shall, in such case, commit such person or persons to the common gaol, there to remain, without bail or mainprize, any space of time not exceeding Thirty Days; and if such person or persons shall happen to be the master or masters, commander or commanders of any ship or ships, or other vessel or vessels, who cannot be apprehended, or if apprehended shall make an escape, then the securities in the Secretary's office for the vessel of which such person or persons is or are master or masters, commander or commanders, shall be chargeable with and liable to pay the forfeiture incurred by such master or masters, commander or commanders: For which purpose, and to the end payment thereof may be the better enforced against the said securities;

CLAUSE 5.
If estate sufficient to satisfy forfeiture cannot be found, the constable is to certify the same to the Justices issuing the warrant, who are to commit the offender to gaol. If the offender be the master of a vessel who cannot be apprehended, or if apprehended, makes his escape, the securities in the Secretary's office for the vessel are to be liable to pay the forfeiture.

CLAUSE 6.
Security bonds,

Be it further enacted by the authority aforesaid, That in every bond

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besides the usual conditions of such bonds, are to contain the further condition here mentioned.

See Act of 10 August 1868.

Such bonds to be assigned to the party aggrieved, in the manner office bonds have been assigned.

CLAUSE 7.

But no assignee shall receive a larger sum, than the sum the person convicted ought to have paid, with costs and charges; nor shall such assignee release the bond, or enter satisfaction on the judgment to be obtained thereon; but the bond or judgment after the assignee is satisfied, may be again assigned by the Governor to the same uses for which it was first entered into, to stand as a security for any other person aggrieved.

CLAUSE 8.

Orders of the Justices made in pursuance of this Act, not to be superseded by writ of certiorari.

CLAUSE 9.

When a seaman is brought on shore, the master of the vessel is, within six hours after, to give notice thereof to the Churchwarden of the parish where he shall be put on shore, under the penalty of 10*l.* for the use of the poor of the said parish.

CLAUSE 10.

A person sued for any thing done in pursuance of this Act, may plead the general

hereafter to be entered into in the Secretary's office of this Island, by the master or commander of any ship or vessel, and his securities, to the Commander-in-Chief of this Island, besides the usual conditions of such bond, this further condition shall be inserted, viz. That the said master or commander, or any other person or persons having charge of the said ship or vessel, shall not receive any seaman or mariner belonging to any other ship or vessel in any road or harbour within this Island, to serve on board his ship or vessel, before such seaman or mariner hath been discharged in writing under the hand of the master or commander to which such seaman or mariner did last belong; and such bonds shall be assigned over by the Governor or Commander-in-Chief to whom such bonds were made payable, or by his proper representatives, to the party or parties aggrieved, or to some person or persons for his or their proper use, in the same manner that office bonds have been heretofore assigned.

Provided always, and be it enacted by the authority aforesaid, That no assignee of such bonds shall take or receive by virtue of such assignment, nor levy for or raise by virtue of any recovery to be had on any such bond, a greater or larger sum than the sum or sums which, by the conviction aforesaid, such master or commander ought to have paid, together with his costs of suit, and the charges and expences incident to the obtaining the said assignment; and it shall not be lawful for any such assignee to release or cancel the said bond, nor to release, or cause satisfaction to be entered on the record of any judgment to be obtained on any such bond; but if such release shall be given, or satisfaction entered, such suit or assignment shall be null and void as to all particular demands; but the said bond, or the judgment to be obtained thereon, may, after the said assignee is paid and satisfied, be again assigned by the Governor or Commander-in-Chief for the time being, to the same uses that such bond or bonds was or were first entered into; and every such bond or judgment assigned shall be, and stand as a security for any other person or persons who shall be aggrieved by the breach of any condition in the said bonds.

And be it enacted by the authority aforesaid, That no writ or writs of certiorari shall supersede the executing any proceedings upon any order or orders made by the said Justices of the Peace in pursuance of this Act, but that all executions, and other proceedings, may be had thereupon; any such writ or writs, or allowance thereof, notwithstanding.

And whereas sufficient provision is made by the tax on non-residents trading here, for the support of all sick sailors or mariners who shall at any time be brought on shore; notwithstanding which many such seamen or mariners have suffered great hardships and miseries, and have sometimes perished for want of sufficient or proper care being taken of them, by reason that due notice has not been given to the Churchwardens or Overseers of the Poor of the condition of such seamen: For remedy whereof,

Be it enacted by the authority aforesaid, That when any such seaman or mariner shall be brought on shore, the master or commander, or the person having the charge of the ship or vessel to whom such seaman or mariner belongs, shall, within six hours after such seaman or mariner is brought on shore, give notice to the Churchwarden or Overseers of the Poor of the parish where such seaman or mariner shall be put on shore; and in case of failure herein, every such master or commander, or other person having charge of the said vessel, shall forfeit and pay the sum of Ten Pounds current money to the Churchwarden of such parish for the use of the poor of the said parish, to be recovered by such Churchwarden from the offender before any Justice of the Peace, as in case of servant's wages.

And be it further enacted by the authority aforesaid, That if any person or persons shall at any time be sued or prosecuted for any thing by him or them done or executed in pursuance of this Act, he and they shall and may plead the general issue, and give this Act in evidence for

his or their defence; and if upon trial a verdict shall pass for the defendant or defendants, or judgment be given against the plaintiff or plaintiffs upon demurrer or otherwise, or the plaintiff or plaintiffs be nonsuited, or discontinued or forbear prosecuting his or their said action, such defendant or defendants shall have double costs awarded to him or them against such plaintiff or plaintiffs.

And be it further enacted by the authority aforesaid, That this Act shall be deemed and taken to be a Public Act, to all intents and purposes.

No. 44.
5 June 1764.
issue, and give the Act in evidence. If plaintiff fail in his action, defendant to have double costs.

CLAUSE 11.
This is a public Act.

No. 45.

23 November 1773.]—AN ACT to amend an Act, intituled, “An Act
“to enable and empower Assignees and Endorsees of all Debts
“and Demands to commence Suits and do all other Acts and
“Things, in his, her, or their own name or names, for obtaining
“and getting satisfaction thereof, in as full and ample manner,
“form, and effect, to all intents and purposes, as the original
“Creditor might or could do, had no Assignment or Endorse-
“ment been made; and also for giving the like Remedy against
“the Assigners, Endorsers, or Acceptors of Inland Bills and
“Notes, as is used and allowed on Foreign Bills of Exchange.”

No. 45.
23 November 1773.

WHEREAS in and by an Act of this Island, passed the Fifteenth day of February, One thousand seven hundred and thirty-six, intituled, “An Act to enable and empower Assignees and Endorsees of all Debts and Demands, to commence suits, and do all other Acts and Things in his, her, or their own name or names, for obtaining and getting satisfaction thereof, in as full and ample manner, form, and effect, to all intents and purposes, as the original Creditor might or could do had no Assignment or Endorsement been made; and also for giving the like Remedy against the Assigners, Endorsers, or Acceptors of Inland Bills and Notes, as is used and allowed on Foreign Bills of Exchange,” it is among other things enacted, That any person having the benefit, profit and advantage of any debt or demand of what nature, kind, or quality soever, assigned, endorsed, or transferred to him, her, or them, by the person or persons who had good right and title so to do, in the manner thereafter mentioned, should and might commence, maintain, and prosecute any action or suit for the recovery thereof in any Court of Common Pleas, or Court of Equity in this Island, in his, her or their own names, either against the original debtor or debtors, or any of the assigners, or endorsers, or acceptors, according to the nature of the case, in the same manner as the original creditor, and the assignees of foreign bills of exchange have been allowed to do, and not otherwise; on the trial of which action or suit, however, (the said Act declares,) the defendant may, if he thinks fit, insist on the plaintiffs, or the assigners or endorsers being sworn that the debt or demand was before such suit commenced truly and *bonâ fide* endorsed or assigned, and that the plaintiff was and is to have the whole benefit, profit, and advantage arising therefrom, and that such assignment or endorsement was not colourably made to entitle the assignee or endorsee to sue for the said debt or demand for the benefit and advantage of the assigner or endorser: And whereas the said Act doth not specify in what manner the defendant in such action or suit, shall give notice to produce the plaintiff, or assigner, or endorser, to be sworn agreeably to the directions of the said Act, nor what shall be done, in case such plaintiff, assigner, or endorser, or either of them, shall be unable to attend the trial of such action, either from bodily indisposition or imprisonment, or by being off the Island, or dead. In order, therefore, to prevent an undue surprise, and to guard against cavils, be it enacted by his Excellency the Honourable Edward Hay, his Majesty's

CLAUSE 1.
Defendants in actions for assigned debts, who intend to insist at

No. 45.

23 November 1773.

the trials thereof, on the plaintiffs or assigners being sworn agreeably to the Act recited, are to give six days' notice thereof to the plaintiffs, or their attorneys; and unless such notice is given, or the person required to be sworn, legally summoned three days before the sitting of the Court, the trial shall not be delayed on account of the absence of such person.

CLAUSE 2.
If the person required to be sworn be indisposed, or under legal confinement, his deposition may be taken, and made use of at the trial.

CLAUSE 3.
When the assigner or assignee leaves the Island, or dies, the trial of the action is not to be stopped by giving notice to produce the assigner; but the defendant, if he suspect the assignment to have been colourably made, may examine the representatives of the party dead, or off the Island; and may make what discovery he can by the examination of other witnesses.
Proviso:
This Act not to affect the jurisdiction of the Court of Chancery.

Captain-General, Governor, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the publication of this Act, the defendant or defendants in all such actions or suits as aforesaid, who intend to insist at the trial thereof on the plaintiffs, assigners, or endorser being sworn, agreeably to the said in part recited Act, shall, six days at least before such trial, give notice in writing of such his, her, or their intention to the plaintiff or plaintiffs, or his, her, or their attorney-at-law; and unless such due notice shall be given, or the person required to be sworn legally summoned to attend the Court for that purpose three days before the sitting of such Court, the trial of the said action or suit shall not be delayed on account of the absence of the plaintiff, assigner, or endorser; anything in the before recited Act to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That if on such notice or summons received, the person required to be sworn lies under any bodily infirmity or indisposition, or legal confinement, that will impede his or her attendance on the said Court, the deposition of such person so impeded shall and may be taken before any Justice of the Peace, who is hereby empowered and required to take the same, provided two days' notice be given to the defendant or defendants, or his, her, or their attorney, of the time and place of the taking thereof; which deposition so taken shall and may be read in evidence, and made use of on the trial of such action or suit, in lieu of the testimony and examination prescribed by the said in part recited Act.

And be it further enacted by the authority aforesaid, That when the assigner or endorser leaves the Island, or departs this life, or the person to whom the assignment shall be made leaves this Island, or departs this life, after such assignment, and the said demand is sued at law or in equity, in such case the defendant or defendants shall not be at liberty to stop the trial of such suit or action by notice to produce the assigner or endorser at the trial; and the Courts of law or equity are required to proceed to try and determine the said suit or cause, in like manner as if the clause in the before recited Act had never been made: But it shall and may be lawful for the defendant or defendants, in case he suspects such assignment was colourably made, to examine the representatives of the parties who are dead, or off the Island; and he is not precluded from making what discovery he can by the examination of any other witnesses duly summoned in the said cause.

Provided nothing in this Act shall extend, or be construed to extend, to debar the jurisdiction of the Court of Equity for the discovery of any fraudulent assignments, or the granting of relief where the circumstances of the case shall require it.

No. 46.

18 April 1780.

No. 46.

18 April 1780.]—AN ACT to remedy sundry Inconveniences arising to His Majesty's Forces in this Island.

Preamble.

Persons harbouring deserters from the King's service, or receiving any soldiers' arms, &c.,

WHEREAS much inconvenience has arisen, and may arise, to his Majesty's troops now quartered, or hereafter to be quartered in this Island, by persons concealing deserters therefrom, or buying their arms, clothes, or accoutrements; Be it therefore enacted by the Honourable John Dotin, President and Commander-in-Chief, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person or persons shall harbour, conceal, or assist any deserter from his Majesty's service, knowing him to be such, the person so offending shall, for every such offence, forfeit the sum of Ten Pounds; and if any person or persons shall knowingly detain,

buy, or exchange, or otherwise receive any arms, clothes, linen, caps, shoes, or other apparel belonging to the King, from any soldier or deserter, or from any other person, upon any account or pretence whatsoever, or cause the colour of such clothes to be changed, or the marks in such clothes or linen to be picked out or altered, the person or persons so offending shall forfeit, for every such offence, the sum of Ten Pounds, upon conviction by the oath of one or more credible witness or witnesses, before any of His Majesty's Justices of the Peace, to be recovered as in case of servant's wages; and in failure of payment of any or either of the fines aforementioned, the offender or offenders so convicted to be committed to the common gaol of this Island, there to remain for the space of Three Months, or until the said fines be paid; the said fines so recovered to be paid, one half to the prosecutor, and the other half to the Churchwardens of the parish of Saint Michael, for the use of the poor of the said parish.

No. 46.
18 April 1780.

or changing the colour of their clothes, &c., forfeit 10*l*. to be recovered as servant's wages.

On non-payment, to be committed to gaol, for Three Months, or until paid.

The Act to be in force immediately after the first publication.

No. 47.

No. 47.
17 April 1792.

17 April 1792.]—AN ACT to authorize and empower the Coroner of the Parish of St. Michael to execute in future all Writs and Process issuing out of, and under Seal of the High and Honourable Court of Chancery in this Island, in any suit therein instituted, in which the person executing the office of Serjeant-at-Arms shall be Complainant, or Defendant, or a Witness.

WHEREAS no provision is made by any law of this Island for the service of any writ or process issuing out of, and under seal of the High and Honourable Court of Chancery in and for this Island established, in any suit wherein the person executing the office of Serjeant-at-Arms shall be complainant, or defendant, or a witness, whereby great inconvenience and delay might arise to suitors: To prevent, therefore, any such inconvenience and delay, Be it enacted by his Excellency David Parry, esquire, his Majesty's Captain-General, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That in all suits commenced, or to be commenced, in the High and Honourable Court of Chancery for this Island established, by or against the person executing the office of Serjeant-at-Arms, or wherein the person executing the office of Serjeant-at-Arms shall be required as a witness, all writs and process issuing in such cause wherein the said person so executing the office of Serjeant-at-Arms shall be complainant or defendant, or for compelling the appearance of the said person as a witness, shall be, and the Register of the said Court is hereby authorized and required to direct the same to the Coroner of the parish of Saint Michael, who shall be entitled to demand and receive the like fees thereon as the Serjeant-at-Arms himself would be entitled to in the like case: by virtue of which writ and process the said Coroner is hereby required and empowered to proceed against the said person so executing the office of Serjeant-at-Arms, or the person against whom the same is to be executed, in such manner as is usual for the Serjeant-at-Arms to execute the like writ or process in any suit wherein the said Serjeant-at-Arms is neither complainant, nor defendant, nor a witness.

CLAUSE 1.
In all suits in Chancery by or against the Serjeant-at-Arms, or wherein he is required as a witness, the process respecting him shall be directed to the Coroner of the parish of St. Michael; who shall be entitled to the like fees as the Serjeant-at-Arms would in the like cases.
Such process to be executed as the like process is usually executed by the Serjeant-at-Arms.

And be it further enacted by the authority aforesaid, That if the said Coroner to whom any such writ or process shall be directed, shall neglect, refuse, or delay to execute the same, he shall for such his contempt be subject and liable to the same penalties as the Serjeant-at-Arms would in the like case have been subject and liable to, recoverable in like manner as against the said Serjeant-at-Arms.

CLAUSE 2.
The Coroner for neglect of duty, to be subject to the same penalties as the Serjeant-at-Arms.

No. 48.

20 December 1798.

No. 48.

20 December 1798.]—AN ACT for establishing the Proof of Rum.

Preamble.

WHEREAS the present low standard established by custom for the proof of the rum of this Island, has been found highly prejudicial to the interest both of the planters and merchants, as being lower than that of the other West India Islands: and whereas among other great inconveniences that are here experienced from the low standard of rum, it has not been found the least that vessels bringing cargoes of American produce will not receive the rum of this Island in payment for them; and other vessels that would have loaded with rum at this Island for the Irish markets, had the strength of it been sufficient, have been sent from hence to Antigua and other islands to load with that article on account of its superior strength, by means whereof the Island is drained of its circulating cash, and the rum here is left a dead weight in the hands of the possessors of it, they having no opportunity of disposing of it but for home consumption: To remedy, therefore, these inconveniences, Be it enacted by his Excellency George Poyntz Ricketts, esquire, his Majesty's Captain-General, Governor, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the standard for the proof of all rum made in this Island shall be, and the same is hereby fixed and established at, and agreeable to, the standard used at the Custom House in London, or Twaddall's Hydrostatical Bubble, No. 25; and no rum shall be brought to market or offered to sale of a lower standard, that degree being a just medium between the different proofs of the other West India Islands; and the gaugers for the several towns in this Island are hereby required to keep in their several and respective possessions a set of Twaddall's hydrostatical bubbles for the purpose of settling any dispute or difference that may arise between the buyer and seller respecting the standard of rum that may be brought to market or offered for sale as aforesaid.

The standard for the proof of rum made in this Island, is fixed at Twaddall's Hydrostatical Bubble, No. 25: and no rum is to be brought to market, or offered to sale of a lower standard.

The gaugers for the towns are required to keep in their possession a set of the said bubbles, for settling differences between the buyer and seller.

CLAUSE 2.
This Act not to affect rum already delivered to the agent.

Provided always, and it is hereby further enacted by the authority aforesaid, That this Act, or anything therein contained, shall not extend, or be construed to extend to, or in any wise affect any rum already delivered to the agent, but that all such rum so already delivered as aforesaid, shall and may be brought to market or offered to sale of a lower standard than that by this Act established as aforesaid, in the same manner as it might have been in case this Act had never been made, anything herein contained to the contrary notwithstanding.

No. 49.

12 November 1799.

No. 49.

12 November 1799.]—AN ACT to amend an Act, entitled, "An Act for Binding and Ordering Poor Apprentices."

Preamble.

WHEREAS by an Act of this Island, entitled "An Act for Binding and Ordering poor Apprentices," bearing date the Third day of October, One thousand six hundred and eighty-eight, it is enacted, That it shall and may be lawful for any boy or girl within this Island, under the age of one and twenty years, by indenture under hand and seal, to contract, agree, and bind him or herself an apprentice to any person exercising a trade, calling, or husbandry within this Island, for and during any term, until they shall arrive unto the age of one and twenty years, provided the said contract and agreement be made by and with the consent of one of the parents of the said boy or girl so to be bound apprentice as aforesaid; and in case the parents of each boy or girl be dead, then by and with the consent and approbation of the next Justice of the Peace to the

place where the parents of the said boy or girl lived, and the Churchwarden of that parish; which Justice and Churchwarden are hereby required to examine the master or mistress, what trade, calling, or occupation he or she is of, and consider whether the said boy or girl, so to be bound apprentice as aforesaid, be fit for such trade, calling, or occupation of such master or mistress; and if it appear to the said Justice and Churchwarden that the said boy or girl be fit for such trade, calling, or occupation, then the said Justice and Churchwarden are to see the said master or mistress, and the said boy or girl sign, seal, and deliver the indentures of apprenticeship interchangeably, and set their hands to an indorsement thereupon, signifying their approbation thereof; and all such indentures of apprenticeship so signed and sealed by any boy or girl under the age of one and twenty years, with the consent of the parent, Justice of the Peace, and Churchwarden aforesaid, shall be sufficient to oblige the said boy or girl to serve his master or mistress the term, and to do and perform the covenants and agreements therein specified, as well and effectually, to all intents and purposes, as if the said boy or girl were above the age of one and twenty years at the sealing thereof, any law to the contrary notwithstanding: And whereas many parents refuse to give their consent to the apprenticing of their children, after such children have been educated at the expense of the parish in which they live, so that such children become idle and lead dissolute and disorderly lives, Be it enacted by his Excellency George Poyntz Ricketts, esquire, his Majesty's Captain-General, Governor, and Commander-in-Chief of this Island, &c., the Honourable the Members of his Majesty's Council and the General Assembly of this Island, and by the authority of the same, That after the publication of this Act it shall and may be lawful for the Churchwarden of any parish within this Island, with the consent of the next Justice of the Peace, to put out apprentice any boy or girl, under the age of twenty-one years, who has been educated at the expense of the parish in which such boy or girl lives; and any and every such indenture of apprenticeship, signed and sealed by the Churchwarden of such parish, and such next Justice of Peace, shall be as effectual, to all intents and purposes, as if the parent or parents of such boy or girl had signed or consented to the same, anything in the said Act, or in any law, usage, or custom to the contrary in any wise notwithstanding.

No. 49.
12 November 1799.

The Churchwarden of the parish, with the consent of the next Justice, may put out apprentice any boy or girl under twenty-one years, who has been educated at the expense of the parish; and indentures of apprenticeship executed by the Churchwarden and Justice shall be effectual.

No. 50.

No. 50.
2 December 1802.

2 December 1802.]—AN ACT the more effectually to prevent Shooting upon Sundays.

WHEREAS the observance of the Lord's day has ever been held one of the chief fences of the Christian religion, and whereas the practice of shooting upon Sunday during the resort hither of birds of passage, too generally prevailing in this Island, and in some places carried to such a length of indecency as to disturb Divine worship, is a great profanation of that day—productive of disorders, and calls for an immediate reform: For reformation thereof and to prevent the ill effects of so bad a practice, and punish those who shall offend therein, Be it enacted by his Excellency the Right Honourable Francis Lord Seaforth, his Majesty's Captain-General, Governor, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council and the General Assembly of this Island, and by the authority of the same, That from and after the first day of January, now next ensuing, if any person shall upon a Sunday shoot with a hand gun or birding piece at any bird or birds whatsoever, or go out of his house or place of habitation for the purpose of shooting birds, or shall command, permit, or suffer his servant to shoot with any hand gun or birding piece at any bird or birds, such person so offending shall for

Preamble.
See Act passed 28
April, 1845.

No. 50.

2 December 1802.

Sunday—Shooting birds or going out to shoot birds on a Sunday, subjects the offender to a penalty of 30s.

every such offence forfeit and pay the sum of Thirty Shillings current money of this Island, to be recovered on the oath or oaths of one or more credible witness or witnesses, or the confession of the party on the complaint of any person before any one of his Majesty's Justices of the Peace resident in the parish where the offence shall be committed, in a summary way as in the case of servant's wages, one moiety whereof shall be paid to the person making the complaint and the other moiety applied to the use of the poor of the said parish; and if the person making the complaint shall decline or refuse to take his moiety, then the whole of the said forfeiture shall be applied to the use of the poor of the said parish.

No. 51.

8 March 1808.

No. 51.

8 March 1808.]—AN ACT for constituting a Corporation for better ordering and managing the Literary Society established in the Island of Barbados.

Preamble.

WHEREAS on or about the Fourth day of August, One thousand seven hundred and seventy-seven, certain inhabitants of this Island actuated by the laudable motive of encouraging and promoting literature, associated themselves together in a society by the name of the Literary Society, and whereas by long experience the said society hath been found to be very useful and beneficial to this community: And whereas the library of the said society is at this time of considerable value, and if the said society were incorporated, the affairs thereof could be more advantageously managed. Be it therefore enacted by the Honourable John Spooner, esquire, President of his Majesty's Council, and Commander in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the present and all future members of the said society be, and they are hereby ordained, constituted, and declared to be from time to time, and for ever after the passing of this Act, one body corporate and politic in fact and in name by the name of "The President and Members of the Literary Society established in the Island of Barbados," and that by that name they and their successors for ever shall and may have perpetual succession, and shall be persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all Courts and places whatsoever, and before all magistrates and justices in all manner of actions, suits, complaints, matters, and causes whatsoever, and of what kind and nature soever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and that they and their successors by the same name of "The President and Members of the Literary Society established in the Island of Barbados," shall be in law capable of holding all such estate real and personal as hath been already acquired by them, and of having, taking, and holding for ever hereafter other estate, real and personal, either by purchase, gift, devise, or legacy for the public use and benefit of the said society. Provided, nevertheless, that all such real estate shall lie and be included within the parish of Saint Michael, in the said Island of Barbados, and shall not exceed in value at any one time the sum of Two Thousand Pounds current money.

The members of the Literary Society incorporated by the name of "The President and Members of the Literary Society, established in the Island of Barbados."

May hold real estate not exceeding 2000*l.* in value.

May make bye-laws.

2. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the members of the said society, or any eleven of them, shall have full power and authority to make, ordain, establish, and put into execution any bye-laws, ordinances, orders, rules, and regulations for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, monies, or estate belonging to the

said society, and for conducting and regulating the business affairs and concerns of the said society, and relative to any other matter or thing whatsoever which may in any wise concern the good government of the said society, and the same from time to time to change, repeal, or vary as may seem proper; Provided always, that no such bye-laws, ordinances, orders, rules, and regulations be in any wise repugnant or contrary to his Majesty's prerogative royal, or to the laws of Great Britain or of this Island, and that the same shall not in any manner affect any other person or persons, than those who are or may become members of the said society, and it shall be lawful for the members of the said society or any eleven of them, to fix and appoint in all or any of such bye-laws, ordinances, orders, rules, and regulations, all or any reasonable and adequate fines, forfeitures, and penalties for the non-observance, non-performance, or breach thereof, and for enforcing the due observance thereof.

3. And be it further enacted by the authority aforesaid, That all fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made, ordained, and established as aforesaid, and all sums to become due to the said society from any of the members of the said society shall be sued for and recovered in a summary way before any Justice of the Peace on the complaint of any member of the said society, as in case of servant's wages, and all and every the Justices of the Peace are hereby authorized and required to take cognizance thereof accordingly, and all fines, forfeitures, and penalties when received, or the overplus thereof after deducting necessary charges, shall be paid into the hands of the treasurer of the said society for the time being for the use of the said society.

4. And be it further enacted by the authority aforesaid, that this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and other persons without being specially pleaded.

No. 51.
8 March 1808.

Fines incurred by breach of bye-laws, recoverable in a summary way.

No. 52.

17 January 1809.]—AN ACT to remove doubts respecting the functions of Juries in case of Libel.

No. 52.
17 January 1809.

WHEREAS doubts have arisen whether on the trial of an indictment or information for the making or publishing any libel when an issue or issues are joined between the King and the defendant or defendants on the plea of not guilty pleaded, it be competent to the jury impanelled to try the same to give their verdict upon the whole matter in issue: Be it therefore enacted by the Honourable John Spooner, President of his Majesty's Council and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That on every such trial the jury sworn to try the issue may give a general verdict of guilty or not guilty upon the whole matter put in issue upon such indictment or information, and shall not be required or directed by the Court or Judge before whom such indictment or information shall be tried, to find the defendant or defendants guilty merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the same in such indictment or information.

Provided always, that on every such trial the Court or Judge before whom such indictment or information shall be tried, shall, according to their or his discretion, give their or his opinion and directions to the jury on the matter in issue between the King and the defendant or defendants in like manner as in other criminal cases.

On the trial of libel the jury may give a general verdict of guilty or not guilty, upon the whole matter, &c.

The Judge may give his opinion and directions.

No. 52.

17 January 1809.

Defendant may move
in arrest of judgment.

Provided also, that in case the jury shall find the defendant or defendants guilty, it shall and may be lawful for the said defendant or defendants to move in arrest of judgment on such ground and in such manner as by law he or they might have done before the passing of this Act, anything herein contained to the contrary notwithstanding.

No. 53.

8 May 1811.

8 May 1811.]—AN ACT to reduce and render more effective the Fortifications of this Island.

See Act passed 5 July, 1834, which renders this Act for the most part of no effect.

WHEREAS it is thought necessary to lessen the heavy expense for the fortifications of this Island, and merely to equip and keep in repairs such forts and batteries as may be necessary for the protection of the principal shipping-ports of Oistin's, Bridge Town, the Hole Town, and Speight's Town, and for the purpose of firing such salutes as the Governor or Commander-in-Chief for the time being, shall deem necessary in support of the dignity of this Island.

1. Be it therefore enacted by his Excellency Sir George Beckwith, Knight of the most honourable Order of the Bath, and Governor-in-Chief of this Island, the Honourable the Members of his Majesty's Council and the General Assembly of this Island, That no order for the payment of salary to any gunner or matross, or for stores or ammunition, shall in future be allowed than such as shall expressly be authorized and permitted by this Act.

Declares who shall be
Commissioners of
Fortifications.

2. And be it enacted by the authority aforesaid, That the Honourable the Members of his Majesty's Council, resident in, and the representatives and field officers of the parishes of St. Michael, St. John, and St. George, be Commissioners for the fort or forts, battery or batteries, in the parish of St. Michael; that the Honourable Members of His Majesty's Council, resident in, and the representatives and field officers of the parishes of St. James, St. Thomas, and St. Joseph, be Commissioners for the fort or forts, battery or batteries in the parish of St. James; that the Honourable Members of His Majesty's Council resident in, and the representatives and field officers of the parishes of St. Peter, St. Lucy, and St. Andrew, be Commissioners for the fort or forts, battery or batteries in the parish of St. Peter; or any three of them (two at least being of the Legislature) are hereby appointed Commissioners for the purposes of this Act: and the said Commissioners are required, and are hereby authorized and empowered so to do, within ten days after the passing of this Act, to demand of each gunner and under-gunner of the several divisions, an account of the quantity of land belonging to his fort, and an inventory of the stores, ammunition and arms, and also an account of the furniture and state of the building of the forts over which they have been appointed; and the said gunners and under-gunners, are hereby required to make a report of the same within ten days after such demand has been made, or forfeit and pay the sum of Fifty Pounds into the public treasury, to be recovered on complaint by either of the Commissioners, before a Justice of the Peace.

Fortifications and
lands, whereon the
same are erected
vested in the Com-
missioners for the pur-
poses herein men-
tioned.

3. And be it enacted by the authority aforesaid, That all lands whereon the said fortifications have been erected, and which have been appropriated to the use of the fortifications, and all the timber, plank, lumber, iron, and other materials, whereof the same hath been formed, or have been provided for the same, and also all the ammunition, arms, furniture, and buildings of the same, shall be vested in the said Commissioners, and the said Commissioners, or any three of them (two at least being of the Legislature), are hereby authorized and empowered to use and employ such part thereof, as they shall think fit, towards erecting and building the forts and batteries to be erected and built, or repaired at the aforesaid ports, and what part thereof shall remain afterwards shall

be sold and disposed of, for as much money as can be had or gotten for the same; and the said Commissioners or any three of them (two at least being of the Legislature), are hereby authorized and empowered to make good and sufficient title to the said land, and the money arising by and from the sale of such part thereof as shall be sold, shall be paid into the public treasury of this Island.

4. And be it enacted by the authority aforesaid, That it shall and may be lawful to and for the Commissioners or any three of them (two at least being of the Legislature), and they are hereby empowered, by and with the advice of competent officers of the Engineer and Ordnance Department of the Army, as shall be appointed for that purpose, by the Commander-in-Chief for the time being, by application for the same, to design, assign, and lay out, how, and in what manner and with what materials, and on which situation, a fort or forts, or battery or batteries, capable of defending the trade and shipping of Bridge Town, the port and harbour of Oistin's, the port and harbour of the Hole Town, and the port and harbour of Speight's Town, and they are hereby declared to have full power and authority, to agree with any person or persons for such materials as may be necessary for the erection of the said forts and batteries, and for such ordnance and stores as may be necessary for the equipment of the same, and to draw on the Treasurer of this Island for payment of the expenses of the same. Provided nevertheless, that the said articles shall not exceed for the fort or forts, or battery or batteries of Carlisle Bay, the sum of Three Thousand Pounds; the fort or battery at Oistin's, the sum of Seven Hundred Pounds; the fort or forts, battery or batteries at the Hole Town, the sum of Seven Hundred Pounds; the fort or forts, battery or batteries, at Speight's Town, the sum of Seven Hundred Pounds.

See Act passed 5 July, 1834.

5. And be it enacted by the authority aforesaid, for and during the continuance of war, there shall be one captain-gunner, one gunner, and twenty-five matrosses, to the fort or forts, battery or batteries on Carlisle Bay; one gunner and ten matrosses to the battery or batteries at Oistin's; one gunner and ten matrosses to the battery or batteries at Hole Town; and one gunner and ten matrosses to the battery or batteries at Speight's Town; which in time of peace shall be reduced to one gunner and fifteen matrosses, at the battery or batteries on Carlisle Bay; one gunner and five matrosses to the battery at Oistin's; one gunner and five matrosses to the battery or batteries at the Hole Town; and one gunner and five matrosses to the battery or batteries at Speight's Town.

See Act 5 July 1834.

6. And be it enacted by the authority aforesaid, That the captain-gunner on Carlisle Bay, shall receive the salary of one hundred pounds; each other gunner shall receive the salary of sixty pounds per annum, to be paid out of the public treasury of this Island, from the money arising by the excise on strong liquors imposed; and each matross the sum of forty pounds, to be paid as aforesaid; and the said gunners and matrosses at the expiration of every six months, shall receive from the Treasurer for the time being, by an order from the Commander-in-Chief for the time being by and with the consent of the Council, one half part of their year's salary; and the Treasurer is hereby, immediately on sight of such order, required to pay the same.

See Act 5 July 1834, and 18 May 1848.

7. And whereas it is most proper that gunners and matrosses should be under the immediate command, as well as appointment of the Commander-in-Chief, and not under the command of the chief colonel of the division, Be it therefore enacted, by the authority aforesaid, That for authorizing and empowering the said gunners and matrosses, the Commander-in-Chief for the time being is hereby empowered to issue his warrant to such persons as he shall think fit to be gunners and matrosses, and such gunners and matrosses shall be under his sole command.

8. And be it enacted by the authority aforesaid, that every gunner and matross shall constantly attend at his post, and shall not depart without leave from the Commander-in-Chief, unless compelled by

Matrosses to attend at their post constantly unless they have leave, &c.

No. 53.
8 May 1811.

illness, upon pain of forfeiting his pay, and being dismissed from his situation.

9. And be it further enacted by the authority aforesaid, That the gunners of the respective forts shall take care, and they are hereby required so to do, that the matrosses keep a strict watch, and perform all necessary duties, and the said gunners shall respectively take care constantly to discipline and instruct the several matrosses in the art of gunnery, and the use of small arms.

Matrosses guilty of
embezzling or making
waste of the stores,
&c., deemed felons.

For misbehaviour how
punishable.

10. And be it further enacted by the authority aforesaid, That in case any gunner or matross, on due proof, shall be found guilty of embezzling or making waste of the stores or ammunition of any fort or battery to which he shall belong, such person shall be deemed a felon, and as such shall be proceeded against by due course of law, and that due subordination may be kept within the said forts and batteries of the aforesaid ports, if any gunner or matross shall misbehave himself in his situation, he shall be punished according to the rules and articles of war, excepting in capital cases, and in such he shall be punished according to the laws of this Island, and no otherwise.

See Act, 5 August
1836, which vests
Charles Fort, in
this magazine, is
in the Crown.

11. And whereas a secure and convenient building will be required for keeping the stores and ammunition necessary for supplying the said forts and batteries, the said Commissioners or any three of them (two at least being of the Legislature), are hereby empowered to direct such repairs as they may think proper of the magazine at Saint Ann's, or in case they should think most advisable to sell or dispose of the said magazine, and to erect another on some more convenient situation, and of size more adapted to the reduced establishment of the fortifications, they are hereby declared to have full power to contract for the building of the same, on any of the public lands of this Island, and they are hereby fully empowered to design and lay out, and in what manner and with what materials the same shall be built.

12. And whereas it will be necessary that a constant guard or watch should be kept upon the said magazine, Be it enacted by the authority aforesaid, That the Commander-in-Chief for the time, shall have full power, and the same is hereby given him, to appoint a sufficient number of persons to act as such, who shall receive the salary of a matross, and be paid by order upon the Treasurer from the Commander-in-Chief: Provided nevertheless, that the said guard shall not consist of more than three men.

See Acts passed the
5th July, 1834, and
18th May, 1848.

13. And be it enacted by the authority aforesaid, That there shall be one gunner and six matrosses employed to take care of the Ordnance at Pilgrim, and that the said gunner and matrosses shall receive the same salary, and be paid in the same manner as the gunners and matrosses at the forts and batteries.

Oath.

14. And be it further enacted by the authority aforesaid, That the several gunners and matrosses, as also the men at the magazine, appointed or to be appointed, by virtue of this Act, shall, before they enter upon duty, take the oaths of allegiance and supremacy—and declare and subscribe the test to be administered to them by such persons as the Commander-in-Chief shall appoint.

See Act, 5 July 1834.

15. And be it further enacted by the authority aforesaid, That, in case any ship or other vessel, shall attempt to go or depart from any of the ports of this Island, without due clearance from all and every the officers appointed by law, it shall be lawful for the gunner at the port wherefrom such vessel shall attempt to depart, to give directions for the discharge of so many guns with great shot, as shall be necessary to stop or prevent such ship or vessel from departing, and in case any ship or other vessel shall sustain any damage by means thereof, the said gunner and the matrosses who obeyed the order, shall not be liable to any forfeiture, loss, or damage, but shall be, and is hereby exempted, acquitted, and discharged therefrom; and upon any action brought against him or them, because of any damage so sustained, it shall be lawful to plead the

statute in bar, or give the same in evidence; and it shall be allowed in any Court of Judicature within this Island, where such prosecution shall be commenced.

16. And be it enacted by the authority aforesaid, That the said Commissioners, or any three of them, shall have full power and authority to appoint a clerk to keep the accounts of each fort and battery, who shall receive a salary not exceeding Twenty Pounds per annum.

17. And be it enacted by the authority aforesaid, That the Store Keeper of the Island for the time being, shall furnish, and he is hereby required so to do, such supplies for the use of the said forts or batteries as the Commander-in-Chief for the time, shall deem necessary, and shall issue his order upon the application of the gunner of such division.

18. And be it enacted by the authority aforesaid, That it shall and may be lawful for the Commander-in-Chief for the time being to call upon the Commissioners for the time being, from time to time to inspect the said forts and batteries, who are hereby required to direct such repairs and improvements as may be necessary, and to draw upon the Treasurer of the Island for the payment of the same.

No. 54.

No. 54.
8 May 1817.

4 November 1817.]—AN ACT to Authorize the Committee hereinafter appointed to Exchange certain Land attached to Pilgrim House, for the same quantity of Land belonging to the Plantation called the Pine, the property of Joseph Waith, Esq.

WHEREAS the Committee for the repairs of Pilgrim, on the recommendation of his Excellency Lord Combermere, and conceiving it beneficial to the public, have agreed to exchange a certain part of the land belonging to Pilgrim House for the like quantity of land attached to the Pine plantation, adjoining Pilgrim. In order, therefore, to enable the said Committee to carry their agreement into effect—

Be it enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable Military Order of the Bath, and of the Portuguese Royal Military Order of the Tower and Sword, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Committee for the repairs of Pilgrim, or a sufficient Board of them, be, and they are hereby invested with full power and authority to convey unto the aforesaid Joseph Waith and his heirs for ever, one acre of land, or thereabouts, be the same more or less, part and parcel of the land attached to Pilgrim House, and to receive in exchange from the said Joseph Waith a conveyance in fee to them the said Committee, and their heirs and successors, for the use of the public, of the like quantity of land belonging to him the said Joseph Waith, part and parcel of the plantation called The Pine, agreeably to the respective plats thereof, to be annexed to the deeds of conveyance to be-executed for the said land.

Pilgrim Committee
authorized to
exchange an acre of
land, &c.

No. 55.

No. 55.
6 May 1818.

6 May 1818.]—AN ACT to authorize the Purchase of a certain Piece or Parcel of Land for the use of the Public of this Island.

WHEREAS the representatives of the people of this Island are desirous of purchasing a certain piece or parcel of land, containing about ten acres, and which adjoins the land of Gun Hill, and they have agreed that the same shall be paid for out of the sum of Two thousand five hundred pounds, current money of this Island, which was granted by an Act of

No. 55.
6 May 1818.

Commissioners authorized to purchase land at Gun Hill for the use of the public, and to sell or exchange the same, &c.

this Island, bearing date the Seventeenth day of December, One thousand eight hundred and sixteen, for the purpose of erecting barracks at Gun Hill, and for other uses therein mentioned; Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That two members of his Majesty's Council to be appointed by the Commander-in-Chief of this island for the time being, and four members of the General Assembly, to be appointed by the Speaker for the time being, be, and they are hereby appointed Commissioners for carrying this Act into execution; and they, or any three of them, are hereby deemed and constituted a Board for that purpose; and they, or any Board of them, are hereby fully authorized and empowered to enter into any contract or agreement with Thomas Edghill, the owner of the said land, for the purchase of the same, together with the buildings thereon erected, standing, and being, for such price or sum as they, or any Board of them, may conceive to be the value of the same, provided that such sum does not exceed the sum of four hundred and seventy-five pounds, good and lawful money of this Island; and they the said Commissioners, or any Board of them, are hereby required and empowered to take to themselves, and their successors, a conveyance in fee simple of the said land with the buildings thereon, from the said Thomas Edghill, and such other person or persons as can make a good, full, complete, and perfect title to the same, and they the said Commissioners, or any sufficient Board of them, on the aforesaid conveyance being completed to them, shall be invested with the fee simple of the said land, and the buildings thereon erected, and are required and directed forthwith to take the same into their possession, to be added to the land belonging to Gun Hill, for the use of the public of this Island; and the said Commissioners or any Board of them, shall have, and they have hereby given to them, full power and authority, whenever they shall see cause, or think fit, to sell and dispose of the said land and buildings, which they are hereby authorized to purchase as aforesaid, or any part or parts thereof, for such price or sum of money, and to such person or persons as they the said Commissioners, or any Board of them, shall think proper, or to exchange the said land and buildings, or any part or parts thereof, with any person or persons for any other land or buildings which they the said Commissioners, or any Board of them, may think more advantageous and convenient for the public of this Island; and the said Commissioners, or any Board of them, are hereby fully authorized and empowered to execute and deliver all such deed or deeds of conveyance or exchange, as may be requisite and necessary for the completing and carrying into effect any sale or exchange of the said land and buildings as aforesaid.

No. 56.
15 September 1819.

No. 56.

15 September 1819.]—AN ACT to repeal an Act, entitled, "An Act empowering Licentiate Lawyers to practise as Barristers in this Island," and also for the better regulating the Laws as to the admission of Solicitors, Attorneys, and Proctors, to practise within this Island.

Preamble.

WHEREAS abuses have arisen from and under an Act of this Island passed in the year of our Lord, One thousand seven hundred and fifteen, entitled, "An Act empowering Licentiate Lawyers to practise as Barristers in this

"Island," and whereas it is therefore deemed expedient to repeal the said Act:

1. Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most Honourable Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that the said Act, entitled, "An Act empowering "Licentiate Lawyers to practise as Barristers in this Island," shall, and the same is hereby declared to be repealed, and to be wholly null and void.

2. And be it further enacted by the authority aforesaid, That no person shall plead and practise the law in this Island, as a barrister or counsellor at law, in any of his Majesty's Courts within the same, or be entitled to any of the rights and privileges of a barrister or counsellor at law, unless such person shall have been regularly and duly called to the bar, in that part of the United Kingdom of Great Britain and Ireland called England; provided always, that nothing in this Act mentioned and contained, shall be held or construed to extend in any manner whatsoever to any person or persons who at any time heretofore have been duly and regularly admitted or licensed under the hand and seal of any Governor or Commander-in-Chief of this Island, for the time being, to plead and practise the law in this Island, as barristers or counsellors at law.

No person allowed to practise as a barrister unless regularly called to the Bar in England. See Act of 14 October 1863.

3. And whereas it is deemed right to enforce by law an established and salutary practice as to the admission of solicitors, attorneys, and proctors, to practise in the Courts of this Island, whereby they are required, before such admission, to have served five years in the offices of a solicitor, attorney, or proctor, duly qualified to practise in this Island; Be it therefore enacted, by the authority aforesaid, That no person shall practise or conduct any business whatsoever as a solicitor, attorney, or proctor, in any of his Majesty's Courts within this Island, unless such person shall have served a clerkship of five years at least in this Island, in an office of a solicitor, attorney, or proctor, carrying on business within this Island: or unless such person shall have been regularly and duly admitted to practise as a solicitor, attorney, or proctor, in the United Kingdom of Great Britain and Ireland. Provided always, nevertheless, that if any person shall regularly serve as a clerk, for and during any part or portion of the said period of five years, in the office of any solicitor, attorney, or proctor, carrying on business in the said United Kingdom of Great Britain and Ireland, such service shall be considered as equivalent, *pro tanto*, to a service in an office of a solicitor, attorney, or proctor, carrying on business in this Island. Provided also, that nothing in this Act mentioned or contained, shall be held or construed to extend to any solicitors, attorneys, or proctors already admitted, and now carrying on business within this Island.

No person allowed to practise as an attorney who has not served five years in an attorney's office in the Island—unless regularly admitted in England. See Act passed 16 October 1846.

Proviso.

No. 57.

No. 57.
3 November 1819.

3 November 1819.]—AN ACT for granting Letters of Administration in cases where the Executor to whom Probate has been granted is out of this Island.

WHEREAS the laws now existing are not sufficient for the ends of justice, Preamble. where the personal representatives of testators having property within this Island, are without the jurisdiction of the Court of Chancery of this Island:

1. Be it therefore enacted by his Excellency the Right Honourable Stapleton Lord Combermere, Knight Grand Cross of the most honourable

No. 57.

3 November 1819.

In case of an executor to whom probate has been granted residing out of the jurisdiction the Ordinary may grant special letters of administration as herein.

Court of Chancery in such case may appoint a person to collect debts.

Executor returning to the Island pending suit to be made a party, &c.

Military Order of the Bath, of the Royal Guelphic Order, and of the Portuguese Royal Military Order of the Tower and Sword, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That at the expiration of twelve calendar months from the death of any testator, if the executor or executors to whom probate of the will shall have been granted, is, or are then residing out of the jurisdiction of the Court of Chancery of this Island, it shall be lawful for the Court of Ordinary of this Island, upon the application of any person having any demand, next of kin, or legatee, to grant special administration to such person having such demand, next of kin, or legatee, for the sole and express purpose of his, her, or their becoming or being made a party or parties to any Bill or Bills of Equity to be filed against the estate of the deceased in the Court of Chancery within this Island, and of carrying the decree or decrees of the same into effect, but no further or otherwise.

2. And be it further enacted by the authority aforesaid, That it shall be lawful for the Court of Chancery, in which such suit shall be depending, to appoint (if it shall be needful) any person or persons to collect in any outstanding debts or effects due to such estate, and to give discharges for the same, such person or persons giving security in the usual manner, duly to account for the same.

3. And be it further enacted by the authority aforesaid, That if the executor or executors capable of acting as such, shall return to and reside within this Island, pending such suit, such executor or executors shall be made party to such suit, and the costs incurred by granting such administration, and by proceeding in such suit against such administrator, shall be paid by such person or persons, or out of such fund as the said Court of Chancery shall direct.

No. 58.
9 August 1820.

No. 58.

9 August 1820.]—AN ACT to regulate the Fares to be taken by the Porters and Boatmen in Bridge-Town.

Preamble.

WHEREAS, divers mischiefs and frequent disorders arise in and about the town from the notorious fighting, quarrellings, and other evil and pernicious practices of the porters and boatmen, openly carried on in the public streets, wharfs, and landing places in Bridge Town, to the disturbance of the general quiet of the inhabitants:

See Act passed 7th July 1823, authorizing Justices of the Peace to carry this Act into execution.

1. Be it therefore enacted by the Honourable John Braithwaite Skeete, President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, for the better regulating and ordering such persons as aforesaid, and to prevent any disturbances and any other inconveniences in the streets, alleys, wharfs, and landing-places, that Richard Deane, William Gill, Edward Wason, Jacob Perry Clark, John Bovell, Daniel Hunt, David Martindale, Alexander King, and John Moore, esqs., be appointed Commissioners for the better putting into execution the clauses of this Act, and for the government and regulation of the porters and boatmen employed in Bridge-Town; and be it further enacted that the several persons appointed by this Act as Commissioners aforesaid, and all and every other persons hereafter to be appointed shall, within ten days after the passing of this Act, or within the same time after being appointed Commissioners under this Act, before they, any, or either of them shall be qualified to perform the duties required of them and him, procure themselves and himself to be sworn before any one of his Majesty's Justices of the Peace, diligently and faithfully, and without partiality, favour, or affection, to execute and

Oath.

perform the several duties of them and him required by this Act, and which oath such Justice is hereby required and authorized to administer.

2. And be it further enacted by the authority aforesaid, That if any one or more of the herein named Commissioners should die or depart this Island, or refuse or neglect to be sworn within the time in the preceding clause mentioned, that then it shall be lawful for the Governor or Commander-in-Chief for the time being, sitting in Council, to fill up such vacancy or vacancies as have been occasioned by the death, departure, refusal or neglect as aforesaid of such Commissioner or Commissioners.

3. And be it further enacted by the authority aforesaid, That all the offences against this Act, or anything herein contained, shall be heard and determined in a summary way by the said Commissioners, or any two of them, upon the oath of any one or more credible witness or witnesses, and which oath the said Commissioners or any two of them, are hereby authorized and empowered to administer accordingly, the party accused being summoned to make his defence, or upon confession of the party offending.

4. And be it further enacted by the authority aforesaid, That the Treasurer of this Island shall have power and authority, and is hereby empowered and required under his hand and seal to grant a license or licenses within fourteen days after the passing of this Act, and continue to renew the same between the first and fourteenth day of January, and also between the first and fourteenth day of July in every year to every and all such person or persons as shall keep any cart or carts drawn by porters for the purpose of hiring them out for fare; and also to all owner or owners of boats plying for fares, and upon granting every of the said licenses the said Treasurer is empowered and required to receive from the person or persons so taking out the license the sum of Ten Shillings to and for his own proper use and benefit.

5. And be it further enacted by the authority aforesaid, That no person or persons shall presume to let or hire any cart drawn by porters, and no person shall presume to hire out any boat or boats without such leave or license first obtained from the said Treasurer as aforesaid, upon pain to forfeit for every such offence the sum of Five Pounds, one half to the informer, and the other half to the uses of the Excise Act; and that every cart drawn by porters and boat so licensed be distinguished by the owner's name, and by the number of the license marked on each side of every such cart and within and without the stern of every such boat, in the most conspicuous manner to be taken notice of, to the end that they may be known if any complaints shall be made of them, and that no person shall blot out, obliterate, alter, or deface the figures or mark of distinction so appointed for such carts so drawn and boats, under the forfeiture of Fifty Shillings for every such offence, one moiety whereof shall be to the informer, and the other moiety to the uses of the Excise Act.

6. And be it further enacted by the authority aforesaid, That the Treasurer on granting such license is to cause a schedule to be affixed in the most conspicuous place in his office of all such licensed carts and boats, to be drawn out in the manner and form following:—

SCHEDULE FOR CARTS.

No. of the License.	Owner's Name.	Residence.

No. 58.
9 August 1820.

Vacancies to be filled
by Governor in
Council.

Offences against this
Act to be determined
by the Commissioners,
&c.

See Act passed 7 July
1828, vesting the
powers in Justices of
Peace.

Licenses to keep hand
carts and boats, when
and how granted.

Ten shillings for each
license.

Penalty for hiring
out hand carts or
boats not licensed.

Treasurer to fix up a
schedule of all
licensed carts and
boats in his office
under a penalty.

No. 58.
9 August 1820.

SCHEDULE FOR BOATS.

No. of the License.	Owner's Name.	Residence.

In default thereof to pay a fine of Twenty Pounds to the uses of the Excise Act.

Manner of proceeding
on complaints against
porters or boatmen.

7. And be it further enacted by the authority aforesaid, That upon complaint of any person or persons before any two of the Commissioners, that the said Commissioners shall summon the owner of such cart or boat to appear with the porters of such cart, or boatmen of such boat (within forty-eight hours after such summons), to answer the said complaint, and upon his or her being heard or making default of appearance, the said Commissioners shall and may impose such fine on the owner of such cart or boat not exceeding Twenty Shillings, and not less than Ten Shillings, to the uses of the Excise Act.

Proviso.

8. Provided also, and be it further enacted by the authority aforesaid, That if any porter or boatman shall misbehave himself in refusing to work when called upon, in giving abusive language or otherwise, that it shall and may be lawful for any three or more of the Commissioners by warrant to apprehend and impose such fine not exceeding Twenty Shillings, and not less than Ten Shillings, to the uses of the Excise Act, on such porter and boatman; in default of payment the said Commissioners to commit such porter and boatman to the common gaol for a period not exceeding Fourteen Days.

See Act passed
7 July 1828.

Porters' stands.

9. And be it further enacted by the authority aforesaid, That it shall and may be lawful for all porters to stand with their carts either in that part of the town called Beckwith Square, or in that part of the town called Trafalgar Place, in such manner as not to impede the ingress and egress of all carts, carriages, horses, or foot passengers; and it shall and may be lawful to and for all boatmen to keep their boats at the public stairs opposite to the Commercial Rooms, and if any cart or boat shall be found placed or remaining in any other part of the town or wharf, except in those specified by this Act, except when actually employed, that then such porters and boatmen to be dealt with as directed in clause the eighth.

Boatmen where to
keep their boats.

Porters and boatmen
leaving their carts or
boats and loitering
about the streets, &c.,
how to be dealt with.
Five porters to be
attached to each cart,
and four boatmen to
each boat.
See Act passed
7 July 1828.

10. And be it further enacted by the authority aforesaid, That if any porter or boatman shall leave his cart or boat, on any pretence whatsoever, and shall be found loitering about the streets and alleys, that then such porters and boatmen to be dealt with as directed in clause the eighth. And be it further enacted, That to each cart there shall be attached at least five porters, and to each boat at least four boatmen. And be it further enacted, That in case any boat or cart shall be left or deserted by the proper hands thereunto by law attached, it shall and may be lawful for the said Commissioners, or any two of them, to summon the owner of such boat or cart before him or them, and to direct such owner to produce the persons attached to such boat or cart under a penalty not exceeding Fifty Shillings, nor less than Ten Shillings; and any person leaving his cart or boat to be dealt with as directed in clause the eighth.

Porters or boatmen
taking more than the
fares herein how to be
dealt with.

11. And be it further enacted by the authority aforesaid, That if any porter or boatman shall demand and take any other fare or fares than those hereafter granted by this Act, then such porter and boatman to be dealt with as directed in clause the eighth.

Treasurer to fix up a

12. And be it further enacted by the authority aforesaid, That the

Treasurer of this Island do forthwith, after the publication hereof, cause a schedule of the Fares, according to this Act annexed and set down, to be fairly engrossed and set up in the most conspicuous place in his office; in default thereof, to pay a fine of Twenty Pounds to the use of the Excise Act.

schedule of Fares in his office.

13. And be it further enacted by the authority aforesaid, That in case any dispute shall arise upon the refusal of any person or persons to pay the fares due to any person or persons under this Act, it shall and may be lawful for the said Commissioners, or any two of them, upon complaint of the owner or owners of such boat or cart, to hear and determine the same, and to give judgment thereof.

Commissioners to settle disputes as to fares. See Act passed 7 July 1823, authorizing Justices of the Peace to act.

14. And be it further enacted by the authority aforesaid, That the Commissioners for the time being, under this Act, shall have full power and authority to command and summon all Constables to execute all and every processes and process, and to attend all hearings before them, under this Act, in as full and ample a manner as the Justices of the Peace of this Island; and that the same fees be allowed to the said Constables as are in similar cases allowed to them before Justices of the Peace.

Commissioners authorized to command Constables to execute process, &c. Justices of the Peace also authorized by Act passed 7 July 1823.

PORTERS' FARES.

	1 hhd. sugar, 1 hhd. fish or oais, 1 puncheon, 1 tierce or 5 barrels.	1 hhd. sugar, salt, or coals, 500 staves, lumber or wood hoops or 200 bricks.
	Bits.	Bits.
For carrying a load from any part of the Public Wharf to Broad Street as low as Bull-head Alley, Swan Street, High Street and intervening streets and alleys	2	2½
For ditto a load from ditto, to Marlhill Street, Palmetto Street, and Roebuck, as far as the corner of New Street, New Street and Church Street	2½	3
For ditto a ditto from ditto to Constitution Hill, Roebuck, as far as corner of Pinfold Street, the Street leading by the Town Hall as far as Friendly Hall, and intervening streets and alleys	3	4
For ditto a ditto from ditto to James Street, Milk Market, as far as corner of James Street and Suttle Street, Suttle Street, Chapel Street, lower end of Broad Street, to the Cotton Tree in the old Churchyard, Cumberland Street, and intervening streets and alleys	2½	3
For ditto a ditto from ditto to Quakers' Meeting Street, that is, from the corner of Milk Market and James Street, to Green Park Road, Reed Street, Mason Hall Street, and all intervening streets, lanes, and alleys, as also the alleys about White Park Road	3	4
For ditto a ditto from ditto to Cheapside, from the Cotton Tree in the Churchyard to Fontabelle, and Lakes Folly Lane	3	4
For ditto a ditto from ditto to Roebuck Street, beyond Pinfold Street, and as far as the Garden	4	5
For ditto a ditto from ditto to Bay Street, as far as Jordan's, commonly called Bedford's, including the Pier Head	2½	3
For carrying a load from any part of the Public Wharf to Bay Street beyond Jordan's to corner of Nelson Street, including Nelson Street, and intervening streets and alleys	3	4
For ditto a ditto from ditto to Bay Street, above the corner of Nelson Street to Beckles' Spring, including the lane leading to Enmore, as also beyond the Garden in the Roebuck, as far as the Gully	5	6
For ditto a ditto from ditto to Bay Street, beyond Beckles' Spring to the Barrier Bridge at St. Ann's	6	8
For ditto a ditto from ditto beyond the Barrier Bridge at Saint Ann's to the Commissary Stores	8	10
For ditto a ditto from Engineer's Wharf to Commissary Stores, Saint Ann's, if above 10 loads 2½ bits, or 3 if under	3	4

And in like from one part of the town to another to be adjusted by a Commissioner; all porters employed in stores or otherwise, to receive one bit per hour, for each and every hour they are so employed; or half a dollar per day if employed by the day; a day to be considered from sun-rise to sun-set; and one hour to be allowed for breakfast and dinner each.

84 *Concerning Salaries of Treasurer, Keeper of the Stores, &c.*

No. 58.
9 August 1820.

It is understood that these fares apply only to porters employed in and about Bridge Town, and not to such as are required to travel into the country.

BOATMEN'S FARES.

From the Wharf to any vessel at anchor or under weigh within the Bay, by message or letter	Bits 2½
From ditto to ditto with one or two Passengers, and return, being detained a quarter of an hour	4
From ditto to ditto with ditto, being detained half-an-hour	5
From ditto to ditto with ditto, being detained one hour	7½
From ditto to the Engineer's Wharf, by message or letter	5
From ditto to ditto with one or two Passengers, and return immediately	6
From ditto to ditto with ditto ditto, being detained half-an-hour	7½
From ditto to ditto with ditto ditto, being detained one hour	10
For every subsequent hour's detention	4
For every passenger above two	1
Landing or taking off one or two Passengers, with a full load baggage	10
Ditto ditto, with a half ditto	7½
Towing a luggage boat from or to any vessel in the Bay	10

TIME OF PLYING.

From sun-rise to sun-set.

Such Boatmen as may be disposed to do duty after sun-set, till 9 o'clock, to be entitled to double fares.

Porters or Boatmen employed to work by the day on board any ship or vessel in Carlisle Bay, to receive five shillings per day for such labour.

The day to be considered from sun-rise to sun-set.

No. 59.
17 November 1820.

No. 59.

17 November 1820.]—AN ACT concerning the Salaries of the Treasurer, Keeper of the Stores of the Magazine, and Comptroller of the Excise of this Island.

[Clauses 2 and 4 repealed.]

Preamble.

WHEREAS from ancient custom the Members of the House of Assembly have alternately received from the Treasurer, Keeper of the Stores of the Magazine, and Comptroller of the Excise of this Island, a certain part of the salaries allowed by law to those officers, without performing any of the duties annexed to those offices. And whereas the present House of Assembly, feeling desirous of putting an end to a custom no less burdensome to the people than derogatory to the dignity of their representatives, pray that it may be enacted :—

Any Member of the Assembly receiving any part of the salaries of the Treasurer, &c., or any emolument by way of present, &c., to be expelled the House and prosecuted by the Speaker..

1. And be it enacted by the Honourable John Braithwaite Skeete, esq., President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, if any Member of the House of Assembly shall by himself or by any other person or persons for his use, either directly or indirectly, take and receive any part, share, or proportion of the salaries of the Treasurer, Keeper of the Stores of the Magazine, or Comptroller of the Excise of this Island for the time being, or of any or either of them, or shall by himself, or by any other person or persons for his use, either directly or indirectly, take and receive any emolument or gain whatsoever, either in money by way of present or otherwise from the said Treasurer, Keeper of the Stores of the Magazine, or Comptroller of the Excise of this Island for the time being, such Member shall, upon due proof thereof before the General Assembly, be by them, or the major part of them, sitting as a House, be expelled the House; and such Member so expelled, for the offence aforesaid, shall forthwith be prosecuted by the Speaker of the House from which he may be so expelled,

in his Majesty's Court of Exchequer for this Island, established for recovery of whatever sum or sums of money, or value of any emolument or gain by him taken and received from the said Treasurer, Keeper of the Stores of the Magazine, or Comptroller of the Excise of this Island, contrary to the true intent and meaning of this Act, together with costs of suit; and the same when so recovered shall be paid into the Treasury of this Island for the public use.

3. And be it further enacted by the authority aforesaid, That no Member or Members of the General Assembly shall become, or be security or securities for the said Treasurer, Keeper of the Stores of the Magazine, or Comptroller of the Excise.

No. 59.
17 November 1820.

Assemblymen not to be sureties for the Treasurer, &c.

No. 60.

10 April 1821.]—AN ACT for establishing the Assize of Household Bread made for sale, and for regulating the conduct of Bakers in making and vending such Bread.

No. 60.
10 April 1821.

WHEREAS it has been found, that the bakers and vendors of household bread, have not at all times justly apportioned the weight thereof to the prices of flour: In order, therefore, to remedy the same:—

1. Be it enacted by the Honourable John Braithwaite Skeete, esquire, President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the end of one month from the passing of this Act, the assize for making or vending household or table bread, shall be adjusted and established in manner following; that is to say, when the common and governing price of the barrel of superfine flour, containing one hundred and ninety-six pounds avoirdupois, shall be one pound, seventeen shillings, and sixpence currency money, the seven-pence halfpenny, or bit loaf, after being sufficiently baked, shall weigh one pound thirteen ounces avoirdupois, and the half-bit loaf, or any other subdivision of the seven-pence halfpenny or bit loaf, shall be in proportion to the weight of the seven-pence halfpenny or bit loaf; and when the price of the barrel of superfine flour shall rise higher or fall lower than the price before quoted, then the weight of such loaves shall be varied and regulated according to the assize table hereunto annexed.

Manner in which assize of household bread to be adjusted.

2. And be it further enacted by the authority aforesaid, That the Churchwardens and four of the Vestrymen first named and chosen, or any three of them, for the several parishes of Saint Michael, Saint Peter, Saint James, and Christ Church, shall meet on the first Saturday in every month or oftener, if rendered necessary by any sudden or extraordinary fluctuation in the price of flour; and regulate, establish, fix, and set down in writing, to be published in the markets or other public places of Bridge Town, Speight's Town, Hole Town and Oistin's Town, the assize of bread according to the said annexed assize table, the manner and form of such publication to be as follows:—

By whom and when assize to be fixed.

“The Assize of Bread set this day of for Town, to take
“place on the day of now next ensuing, and to continue
“and be in force until the day of unless sooner altered.”

And which notice or publication shall be signed by the Churchwarden and two at least of the Vestrymen chosen and appointed as aforesaid of the parish wherein the town is situate in which such notice is to be published, and the said Churchwardens and Vestrymen are hereby required and directed strictly to govern themselves at all times according to the price of flour by the single barrel.

3. And be it further enacted by the authority aforesaid, That from and after the end of one month from the passing of this Act, every baker or vendor of household or table bread, shall cause every loaf of such bread

See Act 6 February 1835.

No. 60.
10 April 1821.

Penalty on bakers,
&c., for making, &c.,
bread of less weight,
&c.

Justices of Peace, on
information on oath,
&c., of deficiency of
weight, may issue
warrant to examine
quality and weight,
and scales and
weights.

Penalty in deficiency
in weights, unless
from accident, &c.

Weights deficient,
to be broken by
order of Justice.

Penalty for making
bread of other than
superfine wheat flour.

Weight of bread
made of other flour.

to be stamped with the initial letters of the name and surname of the baker or owner thereof, so that such initial letters may be legible after the bread is well and sufficiently baked; and every owner or baker of bread who shall send out, offer, or expose for sale any bread not stamped as herein directed, shall for every such offence forfeit the sum of Five Pounds, current money of this Island; and every baker or owner of bread, made for sale, who shall make use of any other stamp than his or her proper mark or stamp, shall for every such offence forfeit and pay the sum of Five Pounds, like current money.

4. And be it further enacted by the authority aforesaid, That every baker, owner, or vendor of table bread offending against this Act, by making, sending out, offering, or exposing for sale bread in any degree lighter than the weight prescribed in the said annexed assize table, shall forfeit and pay for every ounce of bread which shall be found deficient, a sum not exceeding Five Shillings, nor less than Two Shillings and Sixpence, and so in proportion for every deficiency more or less than an ounce.

5. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Justice of the Peace, upon sufficient information on oath being given to him of any deficiency in the weight of bread, either by himself or any peace officer, acting by warrant, to be issued under the hand and seal of such Justice, at seasonable times in the day-time, to enter into any bread baker's, or bread vendor's house or shop, where any table bread is exposed to or kept for sale, and there shall and may view and examine the quality and weight of the bread baked for sale, the sufficiency of baking, and also the scales and weights for weighing, and the stamps for marking the bread. And if any let, hindrance, or molestation shall be made by or on behalf of the baker, owner, or vendor of such bread, in order to evade or postpone such examination, thereby to elude the due execution of this Act, the said Justice shall and may in such case instantly set a fine of Twenty-five Pounds currency on the person so offending, which, if not forthwith paid, he may commit him or her to the common gaol of this Island for any time not exceeding Two Months. And for every ounce of bread which shall be found deficient, the baker, owner, or vendor thereof, shall forfeit and pay a sum not exceeding Five Shillings, nor less than Two Shillings and Sixpence currency, and so in proportion for every deficiency more or less than an ounce in all such bread as shall be then and there found, and which shall have been baked within forty-eight hours next preceding the time of viewing and weighing the same, except it shall be proved by such baker, owner, or vendor of said bread that such deficiency wholly arose from unavoidable accident, or was occasioned by or through some contrivance or confederacy of some other person or persons. And if the scales, the weights, or the stamp or mark shall be found deficient or insufficient, the said Justice shall direct them to be broken, so as to be rendered unfit for such uses for the future.

6. And be it further enacted by the authority aforesaid, That any person who shall make or offer to, and for sale, any bread made of other than superfine wheat flour, or which shall not be well and sufficiently baked, or which shall be composed wholly or in part of coarse, old, or musty flour, or other ingredient than sound and wholesome superfine flour, or shall otherwise endeavour to elude the true intent and meaning of this Act, shall forfeit and pay a sum not exceeding Ten Pounds, and not less than Two Pounds Ten Shillings currency.

7. And be it further enacted by the authority aforesaid, That the seven-pence halfpenny or bit loaf, of all bread made of any other flour than superfine flour, shall weigh one-fourth more than the seven-pence halfpenny or bit loaf of superfine flour, and the half-bit, or any other subdivision of the seven-pence halfpenny or bit loaf, shall be in the like proportion.

8. And be it further enacted, by the authority aforesaid, that if any

Justice of the Peace, Churchwarden, Vestryman, or Constable, shall neglect or refuse to perform any of the duties hereby required of him or them, he or they so neglecting or refusing, shall for every offence, forfeit and pay a sum not exceeding Twenty Pounds, nor less than Five Pounds currency.

No. 60.
-10 April 1821.
Penalty on Justices for neglect of duty.

9. And be it further enacted by the authority aforesaid, That all and every the forfeitures and penalties incurred under this Act, shall be recovered in a summary manner before any Justice of the Peace, as in case of servants' wages, and the same shall be applied and disposed of as follows: one-half to the complainant, and the other half to the Churchwarden of the parish in which the offence is committed, for the use of the poor of the parish.

Penalties, how recoverable.

10. And be it further enacted by the authority aforesaid, That in addition to the forfeitures and penalties by this Act imposed on the bakers and vendors of bread, for any breach of the regulations and provisions therein contained, they shall absolutely forfeit all such bread which shall be found in their houses or shops, or which shall be sent out, offered and exposed for sale, deficient either in quality, weight, or sufficiency of baking, or not duly stamped as by this Act directed, and the same shall and may be seized by any Justice of the Peace, Sworn Constable, or Clerk of the Market, or his deputies, and condemned to the uses of the poor prisoners confined in the common gaol of this Island.

In addition to penalties, bread to be forfeited.

11. And be it further enacted by the authority aforesaid, That no person guilty of any offence under this Act, shall be liable to the penalties thereby incurred, unless he or she shall be proceeded against within ten days after the commission of the offence.

Penalties to be proceeded for within 10 days, &c.

12. And be it further enacted by the authority aforesaid, That upon all actions or suits brought against any person or persons, for anything done by virtue or in pursuance of this Act, the same shall be commenced in the precinct where the defendant or defendants live within three months after the offence committed, and the defendant or defendants may plead the general issue, and give this Act, and the special matter in evidence at the trial thereof in his or their defence, and if upon such actions or suits, verdicts be given against the plaintiff, or he or she become nonsuited, or discontinues his or her actions or suits, such defendant or defendants shall have double costs awarded with the usual remedy for the same.

Protection Clause.

TABLE OR SCHEDULE

By which to regulate, order, and establish, the Assize of Bread for the several Towns in the Island of Barbados, viz:—

When the price of Flour per barrel of 196 lbs. is Dollars	The Bit Loaf shall weigh avoirdupois lb. oza.	When the price of Flour per barrel of 196 lbs. is Dollars	The Bit Loaf shall weigh avoirdupois lbs. oza.
6	1 13	17	0 15
7	1 11	18	0 14½
8	1 9½	19	0 14
9	1 8	20	0 13½
10	1 6½	21	0 13
11	1 5½	22	0 12½
12	1 4½	23	0 12
13	1 3	24	0 11½
14	1 2	25	0 11
15	1 1	26 and 28	0 10
16	1 0	29 and 32	0 9

No. 61.

27 August 1822.]—AN ACT to fix and settle the limits of the Town of St. Michael, commonly called Bridge-Town.

WHEREAS, the vestry of the parish of St. Michael, in laying their annual assessments on the rents of houses, have from time to time exercised the right of extending the limits of the town of the said parish, commonly

No. 61.
27 August 1822.

No. 61.
27 August 1822.

Limits of Bridgetown
defined.

Town property de-
fined.

called Bridge-Town, conceiving themselves authorized so to do under the authority of a certain Act or Statute of this Island, which passed the Fifteenth day of May, One thousand seven hundred and seventy, regulating the rebuilding of the said town: And whereas objections have lately been taken to the extension of said limits: in order therefore to prevent such objections in future, Be it enacted by his Excellency Sir Henry Warde, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act the limits of the said town shall be, and they are hereby declared to be fixed, settled, and confined to the following boundaries: that is to say, from the Barrier Bridge in the direction of Bay Street, including the houses to the south-west of said bridge as far as the Crown lands, from said bridge in a direct line to the cross-road at Enmore House, marked by four pieces of cannon, from thence down Chepstow-road to the river in front of the property of the late Samuel Ames, deceased, and from thence along the course of the river, as far as the road which crosses the river between the property of Dr. Straghan and the range of buildings called the Gulley Houses, from said road which so crosses the river between the property of Dr. Straghan and said range of buildings called the Gulley Houses, in a line to the Garden House, the property of Forster Clarke, esq., and from thence along the road in front of Duncinano, across White Park Road, along Passage Road and across Baxter's Road to the corner of the road leading to Westbury, and from thence in a straight line to the beach, opposite the north-west point of Bird Island, according to the plan thereof hereunto annexed, marked with the letter A, and all houses that now are, or shall, or may at any time or times hereafter be erected within the aforesaid limits, save and except such houses as shall have ten or more acres of land attached thereto, shall be deemed, taken, and considered as town property, and as such be subject and liable to be assessed and taxed by the said vestry for the said parish of St. Michael in their annual or other assessments.

No. 62.
7 June 1825.

No. 62.

7 June 1825. AN ACT for establishing Spiritual and Ecclesiastical Jurisdiction over the Clergy of this Island.

Preamble.

See Act of 16 March
1859.

Bishop or his commis-
sary to exercise eccle-

WHEREAS his most excellent Majesty George the Fourth, King of Great Britain and Ireland, Defender of the Faith, &c., hath been graciously pleased, by Commission under his Great Seal, to appoint a Bishop for this, his Majesty's most ancient and loyal colony, and the Leeward Islands: And whereas it is necessary and expedient that the Lord Bishop of Barbados so appointed, and his successors in the see, should exercise spiritual and ecclesiastical jurisdiction over the clergy in this Island, either by themselves or by their Commissioners: Be it therefore enacted by the Honourable John Braithwaite Skeete, President of his Majesty's Council and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Lord Bishop of Barbados for the time being, or any person or persons legally appointed by him to act as his commissary or commissaries, to exercise spiritual and ecclesiastical jurisdiction only over the clergy resident in this Island, whether beneficed or unbeneficed, and that it shall and may be lawful for the said Lord Bishop of Barbados for the time being, or his commissary or commissaries (legally by him appointed), to enforce such censures, sentences and judgments as he, the said Lord Bishop for the

time being, or his commissary or commissaries so by him appointed, shall from time to time pronounce, declare, and inflict according to the laws spiritual and ecclesiastical now in force, or which may hereafter become in force in that part of Great Britain heretofore called England.

—
ecclesiastical jurisdiction
over the clergy.

2. And be it further enacted by the authority aforesaid, That all laws, ordinances, and canons ecclesiastical, which are now issued and in force in that part of the United Kingdom called England, so far as the same relate to the due ordering and ecclesiastical regimen and jurisdiction over the clergy therein, and all rules and regulations for carrying the same into effect shall be esteemed, accepted, and taken to be in full force and virtue within this Island. And that the Judges of the Courts of common law in this Island shall and may from time to time, and at all times, be aiding and assisting in enforcing and carrying into execution such proceedings and processes, orders, sentences, adjudications, and decrees at any time to be issued, had, made, or given in respect to the clergy within this Island, in the same manner, to all intents and purposes, as the Courts of common law within that part of the United Kingdom called England, lawfully may or are authorized, empowered, or required to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes, proceedings, orders, sentences, adjudications, and decrees issued, had, made, or given in the said last-mentioned Courts, any law or custom in this Island to the contrary thereof in any wise notwithstanding.

Laws and ordinances,
&c., in England, re-
lating to the eccle-
siastical jurisdiction
over the clergy de-
clared in force in this
Island.

3. And be it further enacted by the authority aforesaid, That for the better conviction or acquittal of such of the clergy as hereafter may be accused in the Spiritual Courts of the Bishop of this diocese of offences punishable by the said spiritual or ecclesiastical law, it may and shall be lawful for the Lord Bishop of Barbados for the time being, his commissary or commissaries, to issue under the hand and seal of office of the said Bishop, or under the hand and seal of office of the commissary or commissaries by him appointed, one or more summons or summonses, directed to any person or persons whomsoever, whether laymen or clergymen, to appear as witnesses to give their testimony on oath (which the Lord Bishop of Barbados for the time being, or his commissary or commissaries, are hereby empowered to administer), either for or against the party accused; and also to grant a protection or protections for any witness or witnesses so summoned who may desire the same, in as full form, power, and effect as may or can be legally granted by any of the Courts of law or equity in this Island, and which protection or protections shall be observed and obeyed by all officers in the like manner as they would have been had they issued from any other of the said Courts; and in case it shall appear to the said Lord Bishop of Barbados for the time being, or his commissary or commissaries, that such person or persons was or were duly summoned, and neglected or refused to appear without a just and reasonable excuse, to be approved and allowed by the said Lord Bishop for the time being, his commissary or commissaries, or appearing, shall neglect or refuse to be sworn and give testimony, or shall swear falsely, the said Lord Bishop of Barbados for the time being, his commissary or commissaries, shall, and he and they is and are hereby authorized and empowered to proceed against every such witness or witnesses so in contempt, or who shall swear falsely, in the same manner as a Judge of any Court of Law or Equity may, might, or could legally proceed against such witness or witnesses had such contempt or false swearing been committed in any of the said Courts, and such witness or witnesses shall, on a conviction at a Court of Grand Sessions, be liable to incur and suffer by judgment of the said Court of Grand Sessions the like pains, fines, and penalties as would or might have been inflicted on him, her, or them for or by reason or means of such contempt or false swearing had the same been committed in any other Court of this Island.

Bishop or his commis-
sary may summon wit-
nesses, &c.

No. 62.
7 June 1825.

Bishop or his commissary may exercise ecclesiastical jurisdiction over his subordinate officers.

4. And it is further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the said Bishop of Barbados for the time being, his commissary or commissaries, to exercise spiritual and ecclesiastical jurisdiction over all and every the subordinate officer and officers under him or them in any the proceedings against such accused clergymen, in case of any malfeasance in their respective offices, according to the spiritual and ecclesiastical laws.

Proviso.

5. Provided always, that nothing herein contained shall extend, or be construed to extend, to lessen, impair, or take away any power, jurisdiction, or authority, which the Ordinaries of this Island have, or can by any ways or means whatsoever, legally claim or exercise: but all such rights, privileges, and authority are hereby saved and preserved in like manner as if this Act had never been made.

No. 63.
7 September 1825.

No. 63.

7 September 1825.]—AN ACT for building an additional place of Public Worship in Bridge-Town, in the parish of St. Michael.

[Clause 2 inoperative.]

Preamble.

WHEREAS, from the great increase of the population of Bridge-Town, within the last few years, the cathedral and parish church of St. Michael is found to be inadequate to the accommodation of all persons residing within the town and parish. And whereas a public meeting of the inhabitants was lately convened by the Lord Bishop of the diocese, to take into consideration the erection of an additional place of public worship within the said parish of St. Michael, when certain resolutions were entered into, and a Committee appointed of the several persons hereinafter-named to carry into effect the objects of the meeting: And whereas the Legislature of the Island have, by an Act passed in the present session, granted the sum of Five Thousand pounds current money; and various sums have been voluntarily subscribed by individuals towards the erection of such a building: And whereas the Reverend William Garnett, the present Rector of the said parish of St. Michael, hath given up to the said Committee, a part of the old churchyard in Bridge-Town, in the said parish of St. Michael, as a site whereon to erect the proposed building, reserving nevertheless to himself and his successors, the freehold of and in the same: And whereas the Committee so appointed have preferred their petition to the General Assembly, setting forth the objects of the aforesaid meeting, and praying for legislative enactment to carry the same into effect: Be it, therefore, enacted by the Honourable John Braithwaite Skeete, President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That his Excellency the Governor and the Governor and Commander-in-Chief of this Island for the time being, the Lord Bishop of the diocese for the time being, the President of his Majesty's Council, or the senior Member of Council for the time being, the Speaker of the House of Assembly for the time being, his Majesty's Attorney-General of this Island for the time being, the two Representatives of the parish of St. Michael for the time being, and the Rector of the said parish of St. Michael for the time being, shall be, and they are hereby appointed Commissioners for carrying into execution the purposes of this Act, and they shall be, and are hereby also appointed Commissioners of the said building (but without prejudice to the rights of the Incumbent of the said parish of St. Michael, in whom the freehold of the site of such building shall continue vested), with full power and authority, to make and ordain such rules and regulations as they, or any three of them, shall deem expedient and necessary for the furtherance of the purposes of this Act, and the conducting and managing

Commissioners appointed for carrying this Act into execution and power given them to make rules, &c.

of the said building, and from time to time, as occasion may require, they, or any three of them, shall have power to alter or vary any such rules and regulations, and to make any such further or additional rules and regulations as they may deem expedient.

3. And be it further enacted by the authority aforesaid, That the building is to be erected as aforesaid, shall be and remain as a chapel of ease, and shall be served by a Curate to be nominated by the Incumbent for the time being of the said parish of St. Michael, and licensed by the Bishop of the diocese. And the said Incumbent for the time being of the said parish of St. Michael shall have power to nominate and appoint a Clerk and other officers for the said chapel, and from time to time to remove at pleasure the said Curate, Clerk, and other officers, and to appoint others in their stead: Provided always that all the rights of marriage, baptism, and burial shall be, and are hereby reserved to the said Incumbent for the time being, of the said parish of St. Michael, and that all the rights and privileges which he has hitherto enjoyed, or is entitled to, be preserved whole and entire.

4. And be it further enacted by the authority aforesaid, That the Commissioners hereby appointed, or any three or them, shall make such orders as they may deem expedient as to the amount of rent to be reserved for each pew or seat in the said chapel, and the same from time to time to alter as there may be occasion, and to appoint some fit and proper person, at a salary or other reward, to receive and collect the same. And the produce of such rents shall form a fund, out of which provision shall be made for the Curate appointed to serve the said chapel, and the salaries of the Clerk and other officers, and for the repairs and other expenses thereof.

5. And be it further enacted by the authority aforesaid, That it shall be lawful for the said Commissioners hereby appointed, or any three of them, to assign out of the pew rents of the said chapel a proper stipend to the Curate serving such chapel, and the sum which may probably be necessary to enable such Curate to procure a residence within the parish, and also to assign salaries to the Clerk and other officers of the said chapel.

6. And be it further enacted by the authority aforesaid, That if the rents of the pews or seats of the said chapel be not paid at such time and in such manner as shall and may be appointed by the said Commissioners, or any three of them, it shall and may be lawful to and for the said Commissioners, or any three of them, by themselves, or by some person to be by them appointed for that purpose, to enter upon and hold such pews or seats or let the same to any other person or persons in such manner as they the said Commissioners, or any three of them, may think proper. And it also shall and may be lawful for the said Commissioners, or any three of them, to recover all such rents from the person or persons liable to pay the same, by warrant of distress before any Justice of the Peace, as in the case of servants' wages, upon complaint thereof being made in the names of the said Commissioners.

No. 63.
7 September 1825.

The building to be erected under the authority of this Act to be a chapel of ease, and served by a Curate to be appointed by the Rector of St. Michael, and who is to appoint a Clerk and officers.

Proviso.

Commissioners to settle the rent of pews or seats, and employ a collector.

Pew rents, how to be applied.

Curate's stipend and Clerks and officers' salaries to be settled by the Commissioners.

Pew rents, how recoverable.

No. 64.

No. 64.
4 January 1826.

4 January 1826.]—AN ACT for vesting Dover Fort, and the Lands and Buildings thereto belonging, situate in the Parish of St. Peter in this Island, in his Majesty King George the Fourth, and his heirs and successors.

WHEREAS his Excellency Sir Henry Warde, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, and Commander-in-Chief of his Majesty's Land Forces in the Windward and Leeward Caribbee Islands, did by message

Preamble.
See Act passed
16 March, 1836.

No. 64.
4 January 1826.

Dover Fort vested in
the Crown.

to the late House of Assembly on the Third day of August, One thousand eight hundred and twenty-four, state amongst other things "that provided "a Bill may be passed delivering over Dover Fort and a sufficient quantity of land adjacent, for the purpose of erecting a barrack, &c., for a "complete regiment, he would recommend to the proper authority in "England that one may be built by the Board of Ordnance:" And whereas the representatives of the people conceiving that it will be highly beneficial to the colony to have a military post established at Dover Fort, are desirous of vesting for that purpose the said fort called Dover Fort, and the lands and buildings thereto belonging, in his said Majesty King George the Fourth, his heirs and successors: Wherefore they pray that it may be enacted, and be it therefore enacted by the Honourable John Brathwaite Skeete, President of his Majesty's Council and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the said fort called Dover Fort, and the lands and buildings thereto attached and thereto belonging, situate in the parish of St. Peter in this Island, with all and every the walls and enclosures thereof, together with the hereditaments and appurtenances thereto belonging or in any wise appertaining, and the fee simple and inheritance of the same, shall be from and immediately after the passing of this Act absolutely and fully vested, and the same from the time aforesaid are absolutely and fully vested in his aforesaid Majesty King George the Fourth and his heirs and successors for ever.

No. 65.
4 January 1826.

No. 65.

4 January 1826.—AN ACT for vesting the Glebe Land at present belonging to the Rectory of the parish of St. James, in this Island, in Trustees, to be sold for the uses and purposes herein-after mentioned.

Preamble.

WHEREAS, the Rector and Vestry of the said parish of St. James, in this Island, have lately preferred their humble petition to the General Assembly, setting forth that the glebe land at present belonging to the rectory of the said parish of St. James, is situate in the parish of St. Thomas, and at a considerable distance from the parsonage-house; and that they are desirous to dispose of the same, and to apply the money arising from the sale thereof to the purchase of land more conveniently situated as a glebe for the use of the Rector; wherefore they prayed the said General Assembly to grant them permission to sell the said premises for the purposes above specified: And whereas it is deemed expedient to grant the prayer of the said petition: Be it therefore enacted by the Honourable John Braithwaite Skeete, President of his Majesty's Council and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same,—That the said glebe land situate and being in the aforesaid parish of St. Thomas and Island aforesaid, containing by estimation twenty-one acres of land, or thereabouts, butting and bounding on lands of Charles St. John, on lands of Richard Mathers Smitten, and on the glebe lands belonging to the said parish of St. Thomas, or however otherwise the same may butt and bound, together with the hereditaments and premises thereto belonging, and the fee simple and inheritance of the same, shall be, from and immediately after the passing of this Act, absolutely and fully vested, and the same from the time aforesaid shall be absolutely and fully vested in Gabriel Reeves, Edmund Gaskin, Charles Padmore, James Holder Alleyne, Benjamin Gaskin, Henry Thornhill, Joseph Leacock, Henry Thornhill, jr., John Thomas Ellis, John Wm. Perch, Charles H. King, Charles Thomas Alleyne, William Walker, Benjamin Lawrence,

No. 65.
4 January 1826.

and Henry V. Mc Andrew, esquires, being the present vestrymen of the said parish of St. James, and their heirs, to the use and behoof of the said Gabriel Reeves, Edmund Gaskin, Charles Padmore, James Holder Alleyne, Benjamin Gaskin, Henry Thornhill, Joseph Leacock, Henry Thornhill, jr., John Thomas Ellis, John William Perch, Charles H. King, Charles Thomas Alleyne, William Walker, Benjamin Lawrence, and Henry V. Mc Andrew, and their heirs and assigns upon the trusts, and to the intents and purposes hereinafter mentioned; that is to say, upon special trust and confidence, that they the said Gabriel Reeves, Edmund Gaskin, Charles Padmore, James Holder Alleyne, Benjamin Gaskin, Henry Thornhill, Joseph Leacock, Henry Thornhill, jr., John Thomas Ellis, John William Perch, Charles H. King, Charles Thomas Alleyne, William Walker, Benjamin Lawrence, and Henry V. Mc Andrew, and the survivors and survivor of them, and the heirs and assigns of such survivor do and shall as soon as they conveniently can, by one or more sale or sales, sell, dispose of, and convey the same, either together or in lots, and in such manner as they the said trustees, or the survivors or survivor of them, or the heirs and assigns of such survivor shall think most advisable, to any one or more purchaser or purchasers thereof, and to sign, seal, execute, and deliver all proper legal and requisite deed or deeds of conveyance and assurance to the purchaser or purchasers of the same or of any part or parts thereof.

2. And to the intent that the purchaser or purchasers of all or of any part of the said premises which the said trustees are herein authorized to sell as aforesaid, may securely enjoy the same, be it further enacted by the authority aforesaid, That the receipt or receipts of the said trustees, or of the survivors or survivor of them, or the heirs and assigns of such survivor, to the purchaser or purchasers of the said premises, or of any part or parts thereof, for the purchase-money which shall be actually paid for the same, or for any part thereof, shall be good and effectual discharges, both at law and in equity, to such purchaser or purchasers, so that neither such purchaser or purchasers, or their respective heirs, executors, administrators, or assigns, or the premises so sold, shall be liable or responsible for any loss or misapplication which shall or may at any time thereafter be had or made of all or any part of such purchase-money; and as to the money arising by any such sale or sales, the same is hereby directed to be paid and applied by the said trustees or the survivor of them, or the heirs or assigns of such survivor, in manner following, that is to say, in the first place in payment of all such costs, charges, and expenses as the said trustees or the survivors or survivor of them, or the heirs or assigns of such survivor shall incur or be put to in and about the execution of the trusts hereby reposed in them and him; and in the next place, the residue and remainder of the said purchase money to be applied to the purchase of other land in the said parish of St. James, more conveniently situate as a glebe for the use of the said Rector: Provided always, and it is hereby further enacted and declared that the said trustees or survivors or survivor of them, or the heirs or assigns of such survivor, shall be chargeable and accountable for such sum and sums of money only as shall come to their hands severally and respectively, and that no one of them shall be chargeable for the receipts of the others or other of them.

No. 66.

No. 66.
9 March 1826.

9 March 1826.]—An Act for the better regulating the Fees of the Rectors, Clerks, and Sextons of the several parish Churches of this Island.

WHEREAS, the fees of the Rectors, Clerks, and Sextons of the several parish churches of this Island are not uniformly the same, and as it is deemed expedient that one uniform docket of fees should be settled and established for the Rectors, Clerks, and Sextons throughout the Island: Be it enacted

Preamble.

94 *Preventing illicit importation of Rum, Gin, and Brandy.*

No. 66.
9 March 1826.

See Act passed
24 July 1851.

Rectors', Clerks', and
Sextons' fees.

by the Honourable John Braithwaite Skeete, President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of His Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act the Rectors or Incumbents and the Clerks and Sextons of the several parish churches within this Island shall and may ask, demand, and receive to their own uses as their perquisites and fees, the respective sums set down in the docket of fees hereunto annexed; and in default of payment thereof the same shall and may be recovered on complaint before any Justice of the Peace as in the case of servants' wages.

See Act 24 July 1851.

A TABLE OF FEES FOR MARRIAGES, BURIALS, &c.

	Rector's Fees.	Clerk.	Sexton.
	£. s. d.	£. s. d.	£. s. d.
Marriages—			
By License - - -	- - - - -	0 10 0	0 5 0
By Banns - - -	- - - - -	0 5 0	0 2 6
Burials, &c.—			
In Churchyard - -	- - - - -	0 5 0	0 7 6
In Church - - -	- - - - -	1 0 0	0 15 0
In Chancel - - -	- - - - -	1 5 0	0 15 0
	For every superficial foot of a Monument in Church	0 10 0	
Of poor receiving parish aid - - - - -	- - - - No fee - - - -	ditto	ditto
Extract from parish register.	For a Certificate of Bap- tism, Burial, or Mar- riage - - - - - 0 6 3 For searching for each year - -	0 1 6½	

No. 67.
9 March 1826.

No. 67.

9 March 1826.]—AN ACT the more effectually to prevent the illicit importation of Rum, Gin, and Brandy into this Island.

Preamble.

WHEREAS, it is necessary that further and other provisions should be made the more effectually to prevent the illicit importation of rum, gin, and brandy into this Island: Be it, therefore, enacted by the Honourable John Braithwaite Skeete, President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all persons who shall or may hereafter sell or barter, or who shall or may purchase, barter, or receive on commissions, or by consignment, any rum (in casks of any size) or any gin or brandy (in quantities of not less than a demijohn or case) for the purposes of sale or barter shall, and they, and each, and every of them are and is hereby required some time in the month of January and the month of July in each and every year to make a return agreeably to the annexed Schedule on oath to the Treasurer of this Island for the time being, and which oath the said Treasurer is hereby authorized and empowered to administer, of the exact number of all casks of rum of whatever size and proof, and also the exact number of all demijohns, cases of packages of gin or brandy which shall be sold or bartered, or which shall be bought, bartered for, received on commissions or by consignment by him, her or them, or by any other person or persons for his, her, or their use, benefit, advantage or emolument, for the purposes of sale or barter during the six months immediately

Rum, gin, and brandy.

Dealers in, to make
the half-yearly returns
herein prescribed to
the Treasurer.

preceding such return; and if any person or persons hereby required to make such returns as aforesaid, shall neglect or refuse to make the same within the time above limited for that purpose, he, she, or they shall forfeit and pay the sum of Fifty Pounds current money of this Island, to be recovered before any Justice of the Peace as in the case of servants' wages on the complaint of the Treasurer of this Island for the time being, and paid into the Treasury for the uses of the Island.

Under penalty of 50*l*.

2. And be it further enacted by the authority aforesaid, That if any dealer in rum, gin, or brandy as aforesaid, shall happen to be off this Island, or so much indisposed as not to be able to attend the said Treasurer within the time hereby appointed for making the half-yearly returns as aforesaid, it shall and may be lawful for the said Treasurer to receive such returns from the constituted attorney, agent, manager, principal clerk, or book-keeper of such dealer as aforesaid, and to administer an oath to such attorney, agent, manager, principal clerk, and book-keeper as aforesaid, as to the truth and accuracy of such returns: Provided always that the returns from plantations of the quantity of rum sold therefrom shall and may be made to the said Treasurer either by the owners, overseers or attorneys of such plantations or any such persons in their behalf.

Such returns in certain cases may be made by agents.

3. And be it further enacted by the authority aforesaid, That the Treasurer of this Island for the time being, hath hereby given to him full power and authority to call before him by warrant any person who he may have cause to suspect has been dealing in rum, gin, or brandy, and who has neglected to make such return as aforesaid, and to examine him or her on oath touching such his or her dealings in rum, gin, or brandy, and also to call before him by warrant any other person or persons who can give evidence touching the same, and to examine him, her, or them on oath relative thereto: and in case of the neglect of any such person or persons to appear before the said Treasurer after being duly summoned, or appearing shall refuse to answer such questions as shall tend to the discovery of any practices against the true intent and meaning of this Act, the said Treasurer is hereby empowered and required to commit every such person or persons to the common gaol of this Island, there to remain without bail or mainprize until he, she, or they shall conform himself, herself, or themselves to this Act.

Treasurer's powers to discover the evaders of this Act.

4. And be it further enacted by the authority aforesaid, That if any person shall swear falsely to any such return as aforesaid, before the said Treasurer, he or she shall be deemed guilty of perjury and shall suffer all the pains and penalties of perjury.

Swearing falsely to returns declared perjury.

5. And be it further enacted by the authority aforesaid, That the Treasurer of this Island for the time being, shall have, and he is hereby directed to have printed at the public expense a sufficient number of schedules agreeably to the form set forth at the foot of this Act, to be furnished to all dealers in rum, gin, or brandy as aforesaid, and every person now dealing in rum, gin, or brandy in such quantities as aforesaid, shall within thirty days after the passing of this Act apply to the said Treasurer for two of the said schedules, which the said Treasurer is hereby directed to furnish to him or her gratis. And every person who shall hereafter commence dealing in rum, gin, or brandy in such quantities as aforesaid, shall within ten days after apply in like manner to the said Treasurer for two of the said schedules, and which shall also be delivered to him or her gratis by the said Treasurer, and such delivery of two of the said schedules to be continued gratis every year after by the said Treasurer to each and every dealer in rum, gin, or brandy as aforesaid. And if any person shall sell or barter, or shall buy, barter for, receive on commissions or by consignments any rum, gin, or brandy for the purposes of sale or barter in such quantities as aforesaid, without having applied to the said Treasurer for such schedules as herein before directed, he or she shall on being thereof convicted before any Justice of the Peace by the oath of any one or more credible witness or witnesses, forfeit

Forms of returns to be furnished to dealers in rum, &c., who are to apply for the same under a penalty.

No. 67.
9 March 1826.

Licenses.
See Act 17 December
1835.

To whom this Act not
to extend.

and pay the sum of Two Pounds Ten Shillings current money of this Island, the same to be levied and raised as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the Public Treasury.

6. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the excise officers, the Clerk of the market and his deputies, and the several Constables of this Island, any or either of them, at any time in the daytime to call on such dealers and retailers of rum, gin, or brandy as are by law required to take out licenses, and to demand a sight of their said licenses, and to examine the same in order to see if they have been properly obtained; and if any person so called on to produce and exhibit his or her license shall neglect or refuse to show the same, he or she shall forfeit the sum of Two Pounds Ten Shillings like current money aforesaid to be recovered and applied as last aforesaid.

7. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to such persons who shall retail on their own plantations or places any rum which may be the produce and manufacture of such their plantations or places, or to such persons who shall sell or barter any rum, gin, or brandy which they may have on hand at the time of the passing of this Act.

No. 68.
21 March 1826.

No. 68.

21 March 1826.]—AN ACT to increase the Stipends of the beneficed Clergy of this Island.

[Clauses 2 to 13, 15, and 16 repealed.]

Preamble.

WHEREAS, the stipends allowed by law to the beneficed clergy of this Island are considered inadequate to the increased labours which they have for some time past so cheerfully and zealously performed, and will continue to perform, in the religious instruction of the population: And whereas these pious pastors, from a benevolent and highly praiseworthy feeling, are not in the habit of exacting the fees to which they are legally entitled from any of their parishioners, but such as can well afford to pay them: And whereas it is deemed essential to the interests of true religion and the well-being of the Established Church, that every encouragement should be given to the continuance of such their spirit of liberality and Christian virtue, and that such a sufficient and honourable maintenance should be secured to them by law as to prevent the necessity of any sums of money being voted to them by their vestries from the parish funds in aid of their means of support as hath hitherto been customary, thereby subjecting them to the appearance of a degrading dependence.

Rectors of parishes—
their stipends fixed at
500*l.* per annum.

1. Be it therefore enacted, by the Honourable John Braithwaite Skeete, President of his Majesty's Council, and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the Twenty-fifth day of March, in this present year of our Lord One thousand eight hundred and twenty-six, every orthodox minister of the Church of England, who then or thereafter may be legal Rector and Incumbent of any parish within this Island, shall receive yearly and every year, the sum of Five Hundred pounds current money of this Island, from and out of the Public Treasury, to be paid quarterly by the Treasurer of this Island for the time being, in lieu of the annual stipend at present fixed by law, and the sums of money usually voted from the parish funds. And the Treasurer of this Island shall pay, and he is hereby authorized and directed to pay the same accordingly without any further or other order for that purpose.

14. And be it further enacted, by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for the vestry of any parish within this Island, to vote any sum of money whatever to the Rector and Incumbent of their parish, or to any other person as a present. And if the Churchwarden of any such parish shall pay or cause to be paid by and out of the funds of the said parish, any sum or sums of money whatsoever as a present or otherwise, which may be voted on or after the said Twenty-fifth day of March in this present year of our Lord One thousand eight hundred and twenty-six, to any Rector and Incumbent of such parish, or to any other person contrary to the true intent and meaning of this Act, such Churchwarden shall for every such offence forfeit the sum of Twenty-five Pounds current money of this Island, to be recovered by information in his Majesty's Court of Exchequer for this Island established, one moiety to be to the use of the informer, and the other moiety to be paid into the Public Treasury.

No. 68.
21 March 1826.

Vestries prohibited from voting money to the Rectors, &c.

Churchwardens liable to a penalty for paying any sums voted contrary to this Act.

No. 69.

No. 69.
12 October 1826.

12 October 1826.]—AN ACT to amend an Act entitled “An Act the
“more effectually to prevent the illicit importation of Rum, Gin,
“and Brandy into this Island.”

WHEREAS in and by an Act of this Island passed the Ninth day of March, Preamble. One thousand eight hundred and twenty-six, it is enacted, that all persons who shall or may hereafter sell or barter, or who shall or may purchase, barter, or receive on commission or by consignment, any rum (in casks of any size), or any gin or brandy (in quantities not less than a demijohn or case) for the purpose of sale or barter, shall, and they, and each, and every of them are and is thereby required some time in the month of January and in the month of July in and each, and every year, to make a return agreeably to the annexed schedule on oath to the Treasurer of this Island for the time being: And whereas an evasion of that Act is and has been attempted by the introduction of rum in packages, not casks; and the quantity of a package of gin and brandy required to be returned, is not clearly specified from the undefined measure of a case or demijohn; it is therefore expedient to make further provision against illicit importation of rum, gin, and brandy:

1. Be it therefore enacted by his Excellency Sir Henry Warde, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all persons who shall or may hereafter sell or barter, or who shall or may purchase, barter, or receive on commission, or consignment, any rum in casks of any size, or in packages commonly known as demijohns of any size, or in jars, cans, or in any other packages whatsoever, or any gin or brandy in casks of any size, or in packages commonly known as demijohns of any size, or in jars, or cans, or in any other packages whatsoever, shall, and they, and each, and every of them are, and is hereby required some time in the month of January and in the month of July in each and every year to make a return agreeably to the annexed schedule, on oath, to the Treasurer of this Island for the time being, and which oath the said Treasurer is hereby authorized and empowered to administer, of the exact number of all casks or demijohns, jars, cans, or any other packages of rum of whatever size and proof they may be, or casks, demijohns, jars, cans, or any other packages of gin or brandy which shall be sold or bartered, or which shall be bought, bartered for, received on commission or by consignment by him, her or them, or by any other person or persons for his, her, or their use, benefit, advantage or emolument, for the pur-

Rum, gin, and brandy, half-yearly return thereof to be made by dealers in.

No. 69.
12 October 1826.

poses of sale or barter during the six months immediately preceding such return, and if any person or persons hereby required to make such returns as aforesaid, shall neglect or refuse to make the same within the time above limited for that purpose, he, she, or they shall forfeit and pay the sum of Fifty Pounds current money of this Island, to be recovered before any Justice of the Peace, as in the case of servants' wages, on the complaint of the Treasurer of this Island for the time being, and paid into the Treasury for the uses of this Island.

2. And be it further enacted by the authority aforesaid, That nothing herein contained shall prevent, or affect any return of rum, gin, or brandy required to be made in January One thousand eight hundred and twenty-seven, by the Act of the Ninth of March, One thousand eight hundred and twenty-six, but such return shall be made in the annexed schedule in addition to the return required by this Act.

Penalties.

3. And be it further enacted by the authority aforesaid, That all other penalties, forfeitures and provisions of the Act of this Island, entitled "An Act the more effectually to prevent the illicit importation of rum, gin and brandy into this Island," dated the Ninth day of March, One thousand eight hundred and twenty-six, do and shall extend to this present Act.

HALF-YEARLY return of A. B., exhibiting an account of all Casks, or any other packages of Rum, and of all Packages, Demijohns, and Cases of Gin and Brandy, sold or bought, bartered for, received on commission or by consignment, by him, her, or them, for the purposes of sale or barter, from to inclusive.

Casks of Rum sold or bartered.	To whom sold or bartered.
DemiJohns, Jars, Cans, or other packages of Rum sold or bartered.	
To whom sold or bartered.	
Casks of Rum bought, bartered for, received on commissions, or by consignment.	
From whom.	
DemiJohns, Jars, Cans, or other packages of Rum bought, bartered for, received on commission or by consignment.	
From whom.	
Casks, DemiJohns, Jars, Cans, or other packages of Gln, bought and bar- tered for.	
From whom.	
Casks, DemiJohns, Jars, Cans, or other packages of Gln sold.	
To whom.	
Casks, DemiJohns, Jars, Cans, or other packages of Brandy sold.	
To whom.	
Casks, DemiJohns, Jars, Cans, or other packages of Brandy bought, bar- tered for, received on commission or by con- signment.	
From whom.	

I, A. B., do swear that the schedule now returned by me does exhibit a just account of all rum, gin, or brandy, sold or bartered, or purchased, bartered for, received on commissions or by consignment by me, for the purpose of sale or barter, from to inclusive, under the provisions of an Act bearing date the Ninth day of March, One thousand eight hundred and twenty-six, and also the provisions of this Act, without any reservation or concealment whatsoever. So help me God.

No. 70.
18 October 1826.

No. 70.

18 October 1826.]—AN ACT to authorize the Treasurer of the Island without an Order of Court to sell and dispose of Articles of Small Value seized under the authority of the Excise Acts.

Preamble.

WHEREAS it has sometimes happened that articles which have been seized under the Excise Acts of this Island have not been of sufficient value to defray the expenses attending prosecution and condemnation of them in the Court of Exchequer: For remedy whereof in future, Be it enacted by his Excellency Sir Henry Warde, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General, and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That when any spirituous liquors, articles, or things seized

Articles under the value of 100%.

by any colonial officer under the authority of any or either of the Excise Acts of this Island shall be under the value of One Hundred Pounds current money of this Island, the Treasurer of the Island for the time being, shall, and he is hereby directed to cause notice thereof in writing to be set up and affixed at his the said Treasurer's office, at the office of the Secretary of the Island, and at the Custom House of the Port of Bridge-Town, for, and during the space and time of ten days, in order that any person interested in any such spirituous liquors, articles, or things so seized may have an opportunity of putting in a claim for the same; but should no claim be preferred to the said Treasurer within the said ten days, then and in such case the said Treasurer shall, and he is hereby authorized and required to sell and dispose of all such spirituous liquors, articles or things, and to apply and distribute the proceeds thereof, in the manner directed in and by the Act or Acts under which they may have been seized: provided always that in case any person shall lodge a claim with the said Treasurer within the said ten days for the spirituous liquors, articles or things so seized, or any part thereof, the said Treasurer shall, and he is hereby directed to refer such claim forthwith to his Majesty's Court of Exchequer for this Island established, there to be heard, tried, and determined as if this present Act had never been passed, any thing hereinbefore contained to the contrary notwithstanding.

No. 70.
18 October 1826.

Seized under the Acts
of this Island—how to
be disposed of.

No. 71.

14 March 1827.]—AN ACT the better to regulate the Hours within which Shops shall be open for the retail of Spirituous Liquors and other Articles.

No. 71.
14 March 1827.

WHEREAS it is deemed expedient to fix one general hour for closing of Preamble. shops of every description, both in the towns and country: Be it therefore enacted by his Excellency Sir Henry Warde, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all houses and shops in any of the towns or in any other part of this Island, wherein rum or other spirituous or strong liquors, or any other article or thing whatsoever shall or may be sold or retailed, shall be shut up and closed by eight o'clock in the evening, and shall not be open before six o'clock in the morning, under the penalty of See Act of 24 July Two Pounds Ten Shillings current money of this Island, upon every person guilty of any such offence, to be recovered before any Justice of the Peace, as in the case of servants' wages, one moiety thereof to be to the use of the complainant, and the other moiety to be paid to the use of the said watch of Bridge-Town, except the offender either by his or her own oath or the oath of some credible witness shall make it appear to the satisfaction of the said Justice that a cause of urgent necessity had occasioned the opening of his or her house or shop contrary to the directions aforesaid: Provided always that nothing herein contained shall extend or be construed to extend to druggists' shops, as regards the sale of drugs and other medicines.

Shops to be shut at
eight o'clock, and not
opened before six,
under penalty.

Proviso.
Druggists' shops ex-
cepted.

No. 72.

18 October 1827.]—AN ACT for the due observance of the Lord's Day, commonly called Sunday, Christmas Day, and Good Friday.

No. 72.
18 October 1827.

[Clauses 1, 2, and 3 had their effect.]

4. Be it further enacted, by the authority aforesaid, That from and Sunday markets declared unlawful, and after the passing of this Act, all Sunday markets throughout this Island

No. 72.
18 October 1827.

all articles exposed for sale on Sunday, Christmas Day, or Good Friday, shall be forfeited, seized, and carried before a Magistrate to be condemned.

No persons to open their shops, nor sell or purchase any articles, except medicines, on Sunday, Christmas Day, or Good Friday, under a penalty of 5*l*.

Proviso, not to extend to the selling of bread on Sunday, or to the opening of the market houses for the sale of butchers' meat.

shall cease, and be absolutely unlawful; and if any person or persons whomsoever shall publicly show forth or expose for sale any meat, poultry, vegetables, provisions, herbs, fruits, goods, wares, merchandise, or other articles whatsoever on the Lord's Day, called Sunday, or on Christmas Day, or Good Friday, in any of the streets, highways, wharves, lanes, or other place within any part of this Island, such person or persons shall forfeit the goods or articles so exposed for sale: and it shall be lawful for the Clerk of the Market, or his deputies, or for any Constable, and they are respectively hereby required to seize the goods or articles so exposed for sale, and to take or cause them to be taken before any Magistrate, who, upon view of such goods or articles so exposed, shall order the same to be sold forthwith, and the proceeds thereof applied and disposed of as follows, that is to say, one moiety to the person seizing the same, and the other moiety to be paid into the Public Treasury.

5. And be it further enacted, by the authority aforesaid, That no person shall open their shops, or any part of their premises, for the sale, barter, or purchase of, nor shall sell, barter, or purchase any meat, poultry, vegetables, provisions, herbs, fruits, goods, wares, merchandise or other articles whatsoever (save and except drugs and medicines), on the Lord's Day, called Sunday, or on Christmas Day, or Good Friday, under a penalty of Five Pounds current money, to be recovered on complaint before any Justice of the Peace, as in the case of servants' wages; one moiety thereof to be to the use of the informer, and the other moiety to be paid into the Public Treasury.

6. Provided nevertheless, That nothing herein contained shall extend, or be construed to extend, to persons employed in the sale of bread, fresh fish, milk, or horse meat, provided the same does not take place during the hours appointed and set apart for Divine Service, nor to the dressing and selling of meats and other food in inns and taverns: provided always that no person shall be proceeded against for any offence under this Act, unless complaint thereof be made within one calendar month after the commission of such offence.

No. 73.
7 July 1828.

No. 73.

7 July 1828.]—AN ACT the better to enforce the provisions of a certain Act or Statute, entitled "An Act to regulate the Fares to be taken by the Porters and Boatmen in Bridge-Town."

Preamble.

WHEREAS, in and by a certain Act or Statute of this Island, entitled, "An Act to regulate the Fares to be taken by the Porters and Boatmen in Bridge-Town," bearing date the Ninth day of August, Eighteen hundred and twenty, certain Commissioners are appointed for carrying into effect the provisions of the said Act; and they or any two of them are authorized and empowered to hear complaints and decide thereon, in the manner directed in and by the said Act: And whereas it is deemed expedient also, to authorize and empower the Justices of the Peace of this Island to hear complaints and decide thereon under the said Act, and to enforce the provisions of the same—by extending to and vesting in the said Justices the like powers and authorities as are thereby given and granted to the said Commissioners:

1. Be it therefore enacted by the Honourable John Braithwaite, President of his Majesty's Council and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the several Justices of the Peace of this Island, shall have they, and each, and every of them have and hath hereby given and granted to and vested in them, and each and every of them, the like powers and authorities as are given and granted to the Commissioners in the Act or Statute aforesaid; and it shall and may be lawful for any one

or more Justice or Justices of the Peace, to issue his or their warrant or warrants against any person or persons offending against the provisions of the Act or Statute aforesaid, and to hear and determine any complaint or complaints which may be made to him or them under the Act or Statute aforesaid, in the like manner as the said Commissioners appointed by the said Act or Statute are authorized and empowered to hear and determine the same, and to do all such acts, matters and things required to be done and performed by the said Commissioners in as full and ample a manner to all intents and purposes whatsoever, as if the said Justices were expressly named in the Act or Statute aforesaid, anything in the said Act or Statute seeming to the contrary notwithstanding.

No. 73.
7 July 1828.

No. 74.

16 October 1833.]—AN ACT the more effectually to prevent the taking and carrying away of Sand from off certain parts of the Beach.

No. 74.
16 October 1833.

Be it enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person shall, from and after the passing of this Act (except as is hereinafter excepted), presume to dig, take, or carry away, or aid or assist in digging, taking, or carrying away any sand, stones, shingle or gravel, from any part of the beach or sea-shore of this Island, between Oistin's Fort windward, and the rivulet at Yatch Battery, in St. Michael's parish, leeward, such person shall, on conviction thereof before any Justice of the Peace, forfeit and pay to the King's most excellent Majesty, his heirs and successors, the sum of Five Shillings current money of this Island, besides costs and charges, for each and every offence, and for each and every person engaged therein; one moiety of such fine to be applied to the use of the complainant, and the other moiety to be paid into the Public Treasury, to and for the uses of the Island; and if the fine and costs and charges as aforesaid be not paid within ten days after conviction, the offender shall, by order and warrant from under the hand and seal of the said Justice, be committed to the common gaol of this Island, and there imprisoned without bail or mainprize, for the space of One Month, unless the fine and costs and charges, aforesaid, be sooner paid.

Persons digging or taking away sand, stones, &c., between Oistin's Fort and Yatch Battery, to forfeit Five Shillings and costs,

2. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, with or without a warrant from a Justice of the Peace, to seize and apprehend any person or persons who may be found engaged in the digging, taking, or carrying away, or aiding or assisting in digging, taking, or carrying away of sand, stones, shingle or gravel, from any part of the beach or sea-shore aforesaid, and by and with the assistance of his or her servants (if necessary) with all convenient speed to carry him, her, or them, before a Justice of the Peace, to be dealt with according to the provisions of this Act. And be it further enacted, That if any boats, waggons, carts, or hand or wheel-barrows, or other vehicles, or carriages, horses, mules, asses, or cattle, shall be used and employed by any person or persons in the carrying away and removal of sand, stones, shingle or gravel from any part of the beach or sea-shore aforesaid, it shall and may be lawful for any person or persons, with or without the warrant or order of a Justice of the Peace, to seize and detain all such boats, waggons, carts, hand and wheel-barrows, or other vehicles or carriages, horses, mules, asses, and cattle, and to make complaint thereof before some one of the Justices of the Peace of this Island; who is hereby authorized and empowered, on due proof thereof, to deposit such waggons, carts, hand and wheel-barrows, or other vehicles or carriages, horses, mules, asses, and cattle,

and may be apprehended by any person without warrant, and taken before a Justice of Peace.

Boats, carts, &c., may be seized, and the owner fined Fifty Shillings if employed in carrying away sand, stones, &c., from the beach.

No. 74.
16 October 1833.

within the prison-yard in this Island, and to fine the owners or proprietors thereof in the sum of Fifty Shillings, current money of this Island, for every such waggon, cart, hand or wheel-barrow, or other vehicle or carriage, horses, mules, asses, or cattle: and if the same be not claimed within fifteen days from the date of such fine, to condemn all and every such boats, waggons, carts, hand or wheel-barrow, or other vehicles or carriages, horses, mules, asses, and cattle, as aforesaid, to his Majesty, his heirs and successors: and the same, when so condemned, shall, by order of the said Justice, be sold and disposed of at public auction, by any sworn Constable, and the money arising therefrom paid into the Public Treasury, for the uses of the Island.

Complainant a competent witness.

3. And whereas difficulties may arise for want of evidence, in establishing offences against the provisions of this Act, be it therefore further enacted by the authority aforesaid, That it shall and may be lawful for any complainant, under this Act, to be received and examined as a witness in support of the complaint, and that no objection shall be admitted or allowed against the testimony of any such complainant on the ground of interest in the subject matter of the complaint, any law to the contrary notwithstanding: but in every such case, the whole of the fine imposed shall be paid into the Public Treasury.

Who may take sand, &c., from the beach.

4. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the Commissioners of the Mole-Head, the Commissioners of Fortifications, the Town-Hall and Pilgrim Committees, the Commissioners of the Highways, their deputies, officers, servants, and all persons acting under their orders or by their authority, to dig, take and carry away any sand, stones, shingle or gravel, from any part of the beach or sea-shore aforesaid, for the uses of the Mole-Head or any of the fortifications or other public works and buildings of the Island, or of his Majesty, his heirs or successors.

No. 75.
9 April 1834.

No. 75.

9 April 1834.]—AN ACT for the better regulating the Pews, Sittings, and Seats, in the several Parish Churches, Chapels, and other Places of Divine Worship within this Island.

WHEREAS in consequence of the increased population of the several parishes of this Island, it is expedient that such fixed rules and regulations should be made respecting the pews, sittings, and seats of the several parish churches, and of all other places for the celebration of divine service, according to the rites of the United Church of England and Ireland, as will afford greater accommodation to the parishioners than is at present provided:—

1. Be it therefore enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor in Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Vestry and Churchwarden of each and every parish in this Island, in conjunction with the Rector of the parish, shall be empowered, and they are hereby fully authorized and empowered, to make such rules and regulations respecting the pews, sittings, and seats in their respective parish churches, as they shall think proper, for affording increased accommodation to the parishioners, and for the preservation of good order in their respective parish churches: and also, from time to time, as they shall see proper, to alter such rules and regulations, and to substitute others in their stead. Provided nevertheless, that all such rules and regulations, and all such alterations, as aforesaid, shall be with the sanction and approval of the Lord Bishop of the diocese.

The Vestry and Churchwarden, with the Rector, may make rules, &c., respecting the pews, &c., and for preserving good order in the churches.

Rules to be sanctioned by the Bishop.

2. And be it further enacted, That the Vestry and Churchwardens

for the time being, of each and every parish of this Island, with the consent of the Rector, and approval and sanction of the Bishop, as aforesaid, are hereby authorized and empowered to make allotments of pews, sitings, and seats for the use of the parishioners, and to affix a moderate rent to the pews, sitings, and seats in their respective parish churches, for the better support thereof: Provided nevertheless, that no rent or fee shall be exacted or received for such pews, sitings, or seats, as shall be appropriated and set apart for the poor parishioners.

3. And whereas it is expedient to make provision for the observance of good order in the several chapels and other places of public worship of this Island, in which divine service is celebrated according to the rites of the United Church of England and Ireland, and for the peaceably seating and accommodating the persons resorting thereto, for public worship, be it enacted, That the Rector of the parish, or the licensed minister for the time being of each such chapel, or other place of public worship, together with six of the renters of pews, sitings, or seats in the same, shall be, and they are hereby constituted and appointed to be a Committee of Management of such chapel, with the power and authority of making rules and regulations respecting the pews, sitings, or seats of such chapel; and also, from time to time, as they shall see proper, to alter such rules and regulations, and to substitute others in their stead: and also to make allotments of pews, sitings, and seats for the use of persons resorting thereto, and to affix a moderate rent to the pews, sitings, and seats in the said chapels, or other public places of worship, and to apply the same to the repairs and uses of the said chapels or other places of public worship, as shall, to a majority of them, seem meet. Provided nevertheless, that all such rules and regulations, and all such allotments of pews and seats, and all such application of rents as aforesaid, shall be with the sanction and approval of the Bishop of the diocese: Provided also, that no rent or fee shall be exacted or received for such seats as shall be appropriated and set apart for the poor parishioners: and provided moreover, that nothing herein contained shall affect any right or sitting reserved to any estates by the deeds of consecration of any such chapel or other place of public worship, or any pecuniary claims which any such chapel, or other place of worship, may, at the present, be charged with, and which are in course of liquidation.

4. And be it further enacted, That the election of the Committee of Management of each such chapel, or other place of public worship, shall be holden on the second Wednesday in May of the present year, and on the second Wednesday in January of every succeeding year, from the hours of ten in the morning to two of the afternoon, at the Town Hall, or some convenient place in each parish, other than the chapel or such other place of public worship, of which due notice shall be given on the two preceding Sundays; and that no person shall be qualified to be elected, or to vote at such election, who has not paid his pew rent in advance, to the thirty-first day of December then next ensuing: And it shall and may be lawful for any person, qualified as aforesaid, to open and take the poll at such election, a return of which shall be made to the Rector of the parish, or to the licensed minister of such chapel or other place of public worship to be deposited and kept in the records of such Chapel or other place of public worship: and in the event of there being no election on the days hereinbefore appointed, then the persons last elected shall continue to exercise all the rights and powers of the Committee of Management until a new election shall have taken place.

5. And be it further enacted, That in case the rent for which any such pew, sitting, or seat, either in a parish church, or in any chapel or other place of public worship as aforesaid, shall have been rented, be not paid, it shall and may be lawful for the Churchwarden of the parish, for the time being, or any one of the Committee of Management of any chapel, or other public place of worship, to recover such rent, on complaint to any Justice of the Peace, and the same proceedings shall be had on such complaint as in case of servants' wages.

No. 75.
9 April 1834.

Vestry and Churchwarden, with the consent of the Rector and Bishop, may make allotments of pews, and fix a moderate rent on them.

Proviso.

Chapels, &c.

Committee appointed to make rules, &c., respecting pews in chapels, and

to affix a rent for the same.

Proviso.

Proviso.

Proviso.

When and where the Committee is to be elected.

Persons disqualified from being elected, or electing.

Who to take the poll.

In case of no election on the appointed day, former Committee to act.

Few rents may be recovered before a Justice of Peace, as servants' wages.

No. 75.
9 April 1834.

If pew rents be in arrear for three months after demand in writing, the pews may be relet.

Persons in the occupancy of pews, &c., to have preference.

Persons introducing themselves into seats, and refusing to quit, or

disturbing the performance of divine service, subject to a fine not exceeding fifteen Pounds, nor less than Five Pounds.

Parishes not subject to the repair of chapels.

See 'Act of 24 March 1874.

6. Provided always, and be it further enacted, That in case the rent of any pew, part of a pew or sitting, or any part of such rent, be unpaid three months after the same shall become due, and notice in writing demanding payment thereof, shall have been given to the occupier of such pew, or part of a pew, sitting, or seat, then the Churchwarden of the parish, or the Committee of Management of the chapel, or other public place of worship, may let the same to any other person or persons, according to the rules and regulations at that time in force.

7. And whereas certain persons have, for a long time past, been in the occupancy or possession of pews or seats in the parish churches, chapels, or other places of public worship, be it enacted, That such persons shall continue to have the privilege of occupying the same pews or seats so long as they shall duly pay the rent affixed to the same, agreeably to the provisions in this Act contained.

8. And for the due preservation of peace and good order, be it further enacted, That if any person or persons shall intrude himself, herself, or themselves into any pew, sitting, or seat, which shall be so rented out or allotted to any other person or persons, and shall refuse to quit the same when required so to do by the Churchwarden, or any parish or church officer acting under his direction, or the direction of the Vestry of the parish, or by any member of the Committee of Management of any chapel or other place of public worship, or by any person or persons acting under the authority of such Committee, or shall otherwise interrupt or disturb the performance of divine service, every such person shall, according to the nature of the case, incur a fine not exceeding Fifteen Pounds, and not less than Five Pounds, to be recovered on complaint of the Churchwarden or any member of the Committee of Management of any chapel or public place of worship, to any Justice of the Peace, as in case of servants' wages; and the fine to be recovered shall be applied, by the Churchwarden, to the uses of the parish, or, by the Committee of Management, to the uses of the chapel or other place of public worship for which they may have been so elected.

9. And be it enacted, That nothing contained in this Act shall extend, or be construed to extend to, or entail upon any of the respective parishes, any parochial relief or assistance in the erection, repairs, or management of any chapels or other places of public worship which now are, or which hereafter may be erected by subscription, or otherwise, in any of the parishes of this Island, and not under the control of the respective vestries; but that all incidental and other expenses in the erection, repairs, or management of such chapels, or other places of public worship, shall be exclusively borne and defrayed from the rentings of the pews, sittings, and seats thereof, or by public subscriptions, or otherwise, to be raised for that purpose.

No. 76.

No. 76.
30 April 1834.

30 April 1834.]—A supplemental Act to an Act entitled "An Act
"for the better regulating the Pews, Sitzings, and Seats, in the
"several Parish Churches, Chapels, and other Places of Divine
"Worship within this Island."

Preamble.

WHEREAS by an Act of this Island, entitled as abovesaid, which passed in the present year, it is enacted, "That the Vestry and Churchwarden of
"each and every parish in this Island, in conjunction with the Rector of
"the parish, shall be empowered to make such rules and regulations
"respecting the pews, sittings, and seats, in their respective parish
"churches, as they shall think proper, for affording increased accommo-
"dation to the parishioners, and for the preservation of good order in
"their respective parish churches; and also from time to time, as they
"shall see proper, to alter such rules and regulations and to substitute

"others in their stead. Provided nevertheless, that all such rules and regulations, and all such alterations as aforesaid, shall be with the sanction and approval of the Lord Bishop of the diocese." And it is in and by the said Act further enacted, "That the Vestry and Churchwarden for the time being, of each and every parish of this Island, with the consent of the Rector and approval and sanction of the Bishop, as aforesaid, are thereby authorized and empowered to make allotments of pews, sittings, and seats, for the use of the parishioners, and to affix a moderate rent to the pews, sittings, and seats, in their respective parish churches, for the better support thereof." And whereas it is in and by the said Act (amongst other things) also enacted, "That the Rector of the parish, or the licensed minister for the time being of each and every chapel, or other place of public worship, together with six of the renters of pews, sittings, or seats in the same, shall be, and they are hereby constituted and appointed to be, a Committee of Management of such chapel, with the power and authority of making rules and regulations respecting the pews, sittings, or seats of such chapel; and also, from time to time, as they shall see proper, to alter such rules and regulations, and to substitute others in their stead; and also to make allotments of pews, sittings, and seats, for the use of persons resorting thereto, and to affix a moderate rent to the pews, sittings, and seats, in the said chapels or other public places of worship, and to apply the same to the repairs and uses of the said chapels, or other places of public worship, as shall, to a majority of them, seem meet. Provided nevertheless, that all such rules and regulations, and all such allotment of pews and seats, and all such application of rents as aforesaid, shall be with the sanction and approval of the Bishop of the diocese." And whereas, there is no provision made, in the said Act, for the exercise of the powers therein vested in the Lord Bishop of the diocese, in case of his absence from this Island:

1. Be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, in case of the absence of the Lord Bishop of the diocese from this Island, the several powers, in and by the said in part recited Act vested in him, shall, during his absence, devolve on, and be exercised by, the Archdeacon; and should he also be absent from the Island, then such powers shall devolve on and be exercised by the Rural Dean; and all powers vested in the Lord Bishop of the diocese, in and by the said in part recited Act, are hereby declared to be, during his absence from the Island, vested in the Archdeacon of Barbados; and in case he likewise shall be absent from the Island, then the same are hereby declared to be vested in the Rural Dean of this Island accordingly.

In the absence of the Bishop the power given him by the above Act to devolve on the Archdeacon; if he be also absent, on the Rural Dean.

2. And be it further enacted, That all places licensed by the Lord Bishop of the diocese, for the performance of public worship, in those parishes where the parish churches have been destroyed by the late hurricane, shall be, and the same are hereby declared to be, subject to all the rules and regulations which apply to parish churches.

Licensed places of worship placed under the same rules as parish churches.

3. And whereas, no provision is made in the said in part recited Act for the regulation of those chapels in which pews, sittings, or seats, are not rented out, be it therefore enacted, That the Vestry and Churchwarden, for the time being, of each and every parish of this Island, in which any such chapel or chapels are, is, or shall be situate, with the consent of the Rector, and approval and sanction of the Bishop of the diocese, or, in his absence from the Island, by the approval and sanction of the said Archdeacon, or the approval and sanction of the said Rural Dean, should the said Archdeacon be likewise absent from the Island, are hereby authorized and empowered to make allotments of the pews, sittings, and

Provision for renting out seats in chapels, when seats have not been previously rented.

No. 76.
30 April 1834.

seats in such chapel or chapels, and to affix a moderate rent to the same : Provided always, that after such rents shall have been once affixed by the respective Vestries and Churchwardens, with such consent, approval, and sanction as aforesaid, then such chapel or chapels shall be, from thenceforth, subject to a Committee of Management, to be appointed in the same manner as is provided in the case of other chapels, where the pews, seats, and sittings are rented out. And it is hereby also enacted and declared, That all and every the matters and things in the said in part recited Act, or in this Act contained, shall extend to such licensed places of worship, and to such chapel or chapels as are herein provided for, in as full and ample a manner, to all intents and purposes, as if the same had been included in the said in part recited Act.

No. 77.
5 July 1834.

No. 77.

5 July 1834.]—AN ACT to reduce the Expenditure of this Island.

[Clause 2 had its effect, and Clause 4 has been repealed.]

WHEREAS the several fortifications of this Island were so injured or destroyed by the hurricane, on the 11th day of August, 1831, as to be of no available purpose of defence; and whereas the revenue of the Island is wholly unable to bear the repair of them :

Recital.

1. Be it therefore enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the day of the passing of this Act, all expenses for repairs and supplies to the several fortifications of this Island, and the pay and allowances of the gunners, matrosses, and clerks attached to the same, shall cease and determine : Provided always, nevertheless, that three signal-men, at the pay of Twenty-five Pounds, current money per annum, each, be employed and kept on duty at Pilgrim.

Expenses of fortifications to cease.
Exception.
See Act passed
18 May 1848.

3. And whereas it is necessary further to reduce the expenses of this Island, be it therefore enacted, That the annual salaries and allowances of the several officers and persons hereinafter named, holding situations under the Government of this Island, shall be reduced to, and fixed at, the annual sums to be herein mentioned, commencing from the day of the passing of this Act, that is to say:—to the Chaplains of the Honourable Board of Council and the General Assembly, Fifty Pounds each; to the Clerk of the Committee of Public Accounts, Fifty Pounds;

Reductions in the public expenditure.

5. And whereas the offices and situations hereinafter mentioned are sinecures, and of no use to the public service, be it therefore enacted, That from and after the passing of this Act, the said offices and situations, that is to say, the situations of Clerk of the Town Committee, and second Clerk to the Mole Head Committee, and Clerk of the Pilgrim Committee, shall cease and determine; and that the salaries now paid the several gaugers of Oistin's Town, the Hole-Town, and Speight's Town, shall also cease from the day of the passing of this Act.

Offices abolished.

Salaries abolished.

No. 78.
29 July 1834.

No. 78.

29 July 1834.]—AN ACT to establish a Police in Bridge-Town, in the Parish of Saint Michael.

[Clauses 4, 5, 9—14, 16—18, 21, and 23 have been repealed.]

WHEREAS it is highly expedient that an effective police be immediately established in Bridge-Town, in the parish of Saint Michael.

Preamble.

1. Be it therefore enacted by his Excellency Sir Lionel Smith, Knight

Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the Vestry of the parish of Saint Michael, or any ten of them, shall have full power and authority, from time to time, to prepare bye-laws, ordinances, and regulations relative to the several matters and things hereinafter mentioned, that is to say—touching and concerning all offences, evils, and inconveniences whatsoever in the said town, or in the streets, squares, or places therein, or within the carenage or Mole-Head, relative to the exercising, using, and carrying on dangerous, noisome, or offensive trades of every kind in particular streets, or places, in the said town; relative to markets in the said town (but not to extend to regulating or ascertaining the price of any commodity or article of provision which may be brought to sale within the said town); relative to the lighting of the said town in the night: for the better regulating seamen, soldiers, and foreigners of every description, in the said town, in respect of their being in the streets, or elsewhere than in their respective ships, quarters, residences, or lodgings, in the night time, and otherwise, as may appear expedient for the preserving the peace of the said town, relative to all suspicious persons loitering about the town in the day or night time, and who can give no good account of themselves; relative to taverns, grog-shops, punch, or tippling-houses, retailers of liquors of every description, hawkers, pedlars, hucksters, porters, and boatmen, and to the fixing and regulating the rates at which licences may be granted to them respectively, by the Justices of the Peace appointed to carry this Act into effect; relative to forestalling and regrating; relative to the assize of bread; relative to putrid, damaged, or decayed provisions and commodities of every kind; relative to the building of houses within the limits of Bridge-Town, or within three hundred yards of such limits, and the material of which such houses shall be constructed, so as to render the same less liable to take fire; relative to decayed buildings, and vacant spots of land; and to all other nuisances, of what kind soever, in the said town, and the abatement of all such nuisances; relative to hogs, dogs, and goats, going at large, or otherwise, being in the said town; relative to the firing of squibs, rockets, or other fire-works of every kind; relative to the firing of guns, pistols, or other fire-arms of every kind; relative to the riding or driving of horses or other cattle, of every kind and description whatsoever, furiously, carelessly, or negligently, in the said town, and to the breaking of horses in the said town; relative to the flying of kites in the said town; relative to the dispersing of all mobs, and for the punishment of all indecorous swearing, quarrelling, or improper behaviour in the streets of the said town; relative to the enforcing due observance of the Sabbath; relative to trafficking in the streets; and relative to any matter or thing whatsoever, which may concern the good government and police of the said town. And it shall be lawful for the said Vestry, or any ten of them, to fix and appoint, in all such bye-laws, ordinances, and regulations, such reasonable and adequate pains, punishments, and penalties for the non-observance, non-performance, or breach thereof, as shall seem requisite or expedient, so as such pains, punishments, and penalties, do not exceed the following limitations, that is to say—in case of a fine, the sum of Twenty-five Pounds current money of this Island; and in case of imprisonment, the term of One Calendar Month, with or without being worked on the tread-mill, or any other public works.—Provided always, That such bye-laws, ordinances, and regulations, shall be laid before the Governor, Council, and General Assembly of this Island, for their approval and confirmation, and the same shall be of no force or validity until they shall have been confirmed by the Governor, Council, and General Assembly.—Provided always, that it shall not be lawful to

Vestry may make bye-laws touching the matters herein mentioned,

and fix penalties for the breach thereof,

not exceeding Twenty-five Pounds, or a Month's imprisonment. Bye-laws must be confirmed by the Legislature.

Limitation of complaints.

No. 78.
29 July 18

Offenders to be tried
by two Justices of the
Peace appointed under
this Act.

See Act passed
5 January 1830.

Form of proceeding.

proceed against or prosecute any person for breach of the said bye-laws, ordinances, and regulations, unless complaint thereof be lodged against the offender within two months next after the offence shall be committed.

2. And be it further enacted, That every offender against the bye-laws, ordinances, and regulations, to be made, ordained, and established as aforesaid, shall be tried and adjudged in a summary manner, by and before the Justices of the Peace to be appointed for the purpose of carrying this Act into effect, or any two of them, and such Justices of the Peace, or any two of them, are hereby authorized and required, upon any information exhibited or complaint made before them, to summon the party or parties accused, and the witnesses on either side, and in case the party or parties accused shall not appear on such summons (and after oath made of the commission of the offence) to issue a warrant or warrants for apprehending the party or parties offending, in case he, she, or they, shall be liable to be imprisoned for the offence; and upon the appearance of the party or parties accused, or his, her, or their contempt in not appearing, upon proof of being summoned, to proceed to the examination of the witness or witnesses upon oath (which oath they are hereby authorized, empowered, and required to administer), and to give such judgment, sentence, and determination, as shall be just, and conformable to law. And in every case of conviction by confession, or upon the oath of one or more credible witness or witnesses, the adjudication shall be executed as follows, that is to say—in case of fine (if the same be not paid) the Justices before whom such conviction shall take place, shall issue execution, under their hands and seals, for levying and recovering the same, as in case of servants' wages, and the same shall be executed by a Constable; and all fines imposed by this Act, or by any of the bye-laws, rules, and regulations, to be made in pursuance of this Act, shall be to the King's most excellent Majesty, his heirs, and successors, for the use declared by this Act; and when levied, such fines shall be paid into the hands of the Town Clerk of the said town, for the time being, to be appointed as hereinafter mentioned; and every such execution shall contain a clause, directing that in case there cannot be found sufficient estate or effects of the offender to satisfy the said execution, and all charges, that such offender or offenders be and stand committed to the common gaol of this Island, for a certain space of time to be mentioned in such execution, not exceeding the term of One Calendar Month, without bail or mainprize, unless the same, and all charges, shall be sooner paid and satisfied; and in case of adjudication of imprisonment, the offender or offenders shall be taken by the body, and stand committed to the common gaol of this Island, or to the house of correction appropriated for the use of the parish of Saint Michael, by warrant under the hands and seals of the said Justices, for the space of time (not exceeding One Calendar Month) which shall be adjudged, without bail or mainprize, and be worked on the tread-mill, or on any public works if so required by such warrant.

Three Justices of
Peace (not being of
the Council or Assem-
bly) to be appointed
by Governor to carry
this Act into effect.

See Act 19 August
1835.

Extent of their juris-
diction.
See Act of 5 November
1870.

3. And be it further enacted, That the Governor is hereby authorized and required, immediately after the passing of this Act, to nominate and appoint three Justices of the Peace (not being members of the Council or of the General Assembly) for the purpose of carrying this Act in effect; and such Justices of the Peace shall also inquire into, hear, and determine, all other matters cognizable by Justices of the Peace: Provided always, that it shall not be lawful for the Justices of the Peace, who shall be appointed for carrying this Act into effect, to go out of the limits of the said parish of Saint Michael, to take cognizance of any offences, nor shall they hear and determine any complaint for offences committed without the limits of the said parish of St. Michael; but it shall, nevertheless, be lawful for them, or either of them, to commit any person brought before them on a charge of felony committed in any other parish, and to examine witnesses touching the same: Provided

always, nevertheless, and it shall and may be lawful for the Governor to suspend or remove any such Justices of the Peace for misconduct or incapacity; and in case of the death, removal for misconduct, absence from the Island, or incapacity to act, of any one or more of such Justices who shall be so appointed, some other Justice or Justices of the Peace (not being of the Council or of the General Assembly) shall, from time to time, as occasion may require, be in the like manner appointed in his or their place or stead, by the Governor.

6. And be it further enacted, That the said Justices of the Peace, on the hearing of all complaints and cases which may be brought before them and heard in a summary manner, shall be entitled to and shall demand the fees established by law to be taken by Justices of the Peace; and that no other Justice of the Peace shall demand or receive, or be entitled to demand or receive, any fee whatsoever, on any complaint made before him within the limits of Bridge Town, or one mile thereof; any thing in any Act or Statute of the Island, to the contrary contained, notwithstanding; and that any Justice of the Peace, who shall demand or receive any fee or gratuity whatsoever, contrary to the true intent and meaning of this Act, shall forfeit the sum of Fifty Pounds for every such offence, to be recovered as in the case of servants' wages, and paid into the Public Treasury; and in all cases where any fine or fines shall be recovered before any of the Justices of the Peace appointed to carry this Act into effect, the party or parties who shall be adjudged to pay the fine or fines shall also be adjudged to pay the fees which the said Justices of the Peace shall be entitled to demand: and all such fees shall be received by the Town Clerk appointed in pursuance of this Act: and when it shall be necessary to issue an execution for the recovery of any fine or fines, or sum or sums of money, the said Justices of the Peace, issuing such execution, shall insert the amount of all such fees as shall be payable by the party against whom such execution shall be issued, to the end that the same may be levied and raised at the time of levying and raising such fine or fines, or sum or sums of money mentioned in such execution; and in all other cases where fees shall become payable to the said Justices of the Peace, or to any police officers, or constables, if the same be not forthwith paid, by the person or persons liable to pay the same, it shall and may be lawful for the Justices of the Peace hearing and determining the complaint, to issue an execution for the recovery of the same as servants' wages; and in case for the want of effects, the person of any offender shall be committed to prison, for the non-payment of fees, he or she shall be held in custody for the same, for a time not exceeding One Calendar Month, unless the fees be paid within the said month.

7. And be it further enacted, that the Vestry of the said parish, or the major part of them, shall be, and they are hereby authorized and required to nominate and appoint to the office of Town Clerk, some fit person not being a member of said Vestry, whose duty it shall be to receive all fees payable to the Justices of the Peace and police officers to be appointed under this Act; and all fines imposed by the said Justices of the Peace for the breach of any bye-laws, ordinances, or regulations to be made and confirmed as aforesaid, and all other fines received before the said Justices of the Peace and payable into the Public Treasury, and also all sums payable for licences (and which licences the said Justices of the Peace, or any two of them, shall be, and are hereby authorized and empowered to grant to such persons as they may think fit), which fines, fees, and sums of money, the said Town Clerk shall pay over to the Treasurer of the Island, and take his receipt for the same; and it shall be the business of the said Town Clerk to attend the sittings of the said Justices of the Peace for the purpose of receiving the said fees, fines, and sums of money due and payable for licences, and he shall use all due diligence in collecting the same. And such Town Clerk shall make an abstract from the records of the said Justices of the Peace, in the form annexed marked A, which abstract shall be made up monthly and signed by

To reside in Bridge-Town.

To demand fees.

No other Justices to receive fees on complaints in Bridge-Town or within a mile, under penalty of Fifty Pounds.

Party adjudged to pay fine shall pay fees.

Fees to be received by Town Clerk.

How to be recovered.

Town Clerk to be appointed by the Vestry. See Act passed 27 October 1847 vesting the appointment in the Governor. To receive fees, fines, &c.

To pay same to the Treasurer. His other duties.

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29 July 1834.

Justices to make a record of fees, fines, &c., and deliver to Treasurer monthly.

Salary of Town Clerk.

Limitation of actions.

General issue.

Treble costs.

Treasurer to pay the salaries of the Justices, &c., and to keep an account as herein directed.

Justices and Town-Clerk exempted from militia duty, &c.

Governor defined.

two of the said Justices of the Peace, to be appointed under this Act, who shall certify the correctness thereof under their hands, and a copy thereof delivered by the said Town Clerk to the Clerk of the House of Assembly.

8. And be it further enacted, That the said Justices of the Peace are hereby required to make a record of the amount of all fees due in each particular case, and also a record of the amount of all fines imposed by them, and of all sums of money paid or payable for licences, and to furnish a copy of the same, monthly, to the Treasurer of the Island for the time being.

15. And be it further enacted, That the Town Clerk, to be appointed by this Act, shall be paid a salary as follows, that is to say—the sum of Three Hundred Pounds currency per annum.

19. And be it further enacted, That no action or suit shall be commenced against any Justice of the Peace, police officer, constable, or any other person, for anything by him done, by virtue or in pursuance of this Act, until fourteen days' notice thereof, in writing, shall have been given to such Justice of the Peace, police officer, or other person, nor after a sufficient satisfaction or tender thereof have been made to the party or parties aggrieved, nor after six calendar months next after the fact committed: and the defendant or defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, or in the exercise of any such office as aforesaid: and if the same appear so to be done, or if such action or suit shall be brought after the time hereinbefore limited for bringing the same, or shall be brought without fourteen days' notice thereof, or after a sufficient satisfaction made or tendered as aforesaid, that then the jury shall find for the defendant or defendants, and if the plaintiff or plaintiffs shall become non-suited, or suffer a discontinuance of his, her, or their action or suit, or if a verdict shall pass against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any other defendant or defendants have or hath by law, for the recovery of costs of suit in any other cases.

20. And be it further enacted, That the Treasurer of the Island shall pay, and he is hereby directed, without any further order for that purpose, to pay to the said Justices of the Peace, and Town Clerk, by quarterly payments, such annual sums as aforesaid, and the said Treasurer shall keep an account headed as follows, that is to say, "Dr. Bridge-Town Police with the Treasury, Cr.;" and on the debit side of such account, he shall charge all sums paid by him for salaries, as directed by this Act, and on the credit side he shall place all sums received by him from the Town Clerk, for fees, fines, and licences.

22. And be it further enacted, That the Justices of the Peace, and Town Clerk, who shall be appointed for carrying this Act into effect, shall be, and they are hereby declared to be exempt from the performance of militia duty, serving on juries, and as freeholders on appraisements.

24. And be it further enacted, That within the meaning, and for the purposes of this Act, every person who, for the time being, shall be in the lawful administration of the government of this Island, shall be taken to be the Governor thereof.

A—FORM OF ABSTRACT REFERRED TO BY THE FOREGOING ACT.

Date.	Nature of Complaint.	Name of accused Party or Defendant.	Judgment.	Amount of			Total.
				Fees.	Fines.	Licenses.	

6 September 1834.]—AN ACT for improving the Administration of Justice in Criminal Cases in this Island.

[Clauses 5, 6 & 7 repealed.]

WHEREAS great improvements have, of late years, been made in the administration of justice, in criminal cases, in England; and whereas, it is expedient that similar amendments and alterations, applicable to the condition and circumstances of the inhabitants of this Island should be enacted by its Legislature: Be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That where any person shall be taken on a charge of felony, or suspicion of felony, before one or more Justice or Justices of the Peace, and the charge shall be supported by positive and creditable evidence of the fact or by such evidence as, if not explained or contradicted, shall, in the opinion of the Justice or Justices, raise a strong presumption of the guilt of the person charged, such person shall be committed to prison by such Justice or Justices in the manner hereinafter mentioned. But if there shall be only one Justice present, and the whole evidence given before him shall be such as neither to raise a strong presumption of guilt nor to warrant the dismissal of the charge, such Justice shall order the person charged to be detained in custody, until he or she shall be taken before two Justices at the least; and where any person so taken, or any person in the first instance taken before two Justices of the Peace, shall be charged with felony, or on suspicion of felony, and the evidence given in support of the charge shall, in their opinion, not be such as to raise a strong presumption of the guilt of the person charged, and to require his or her committal, or such evidence shall be adduced on behalf of the person charged as shall, in their opinion, weaken the presumption of his or her guilt, but there shall, notwithstanding, appear to them, in either of such cases, to be sufficient grounds for judicial inquiry into his or her guilt, the person charged shall be admitted to bail by such two Justices, in the manner hereinafter mentioned: Provided always, that nothing herein contained shall be construed to require any such Justice or Justices to hear evidence on behalf of any person so charged as aforesaid, unless it shall appear to him, or them, to be meet and conducive to the ends of justice to hear the same.

Who may be admitted to bail on a charge of felony, and who may not.

2. And whereas it is expedient to make certain regulations touching the bailment of prisoners by Justices of the Peace, and the examination of prisoners suspected of manslaughter, or felony: Be it therefore enacted, That the two Justices of the Peace, before they shall admit to bail, and the Justice or Justices before he or they shall commit to prison any person arrested for felony, or on suspicion of felony, shall take the examination of such person, and the information upon oath, of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing. And the two Justices shall certify such bailment in writing. And every Justice shall have authority to bind, by recognizance, all such persons as know or declare any thing material touching any such felony, or suspicion of felony, to appear at the next Court of Oyer and Terminer, or Gaol Delivery, or other superior Criminal Court, or Court of Grand Session or Sessions of the Peace held for the body of this Island, at which the trial thereof is intended to be, then and there to prosecute or give evidence against the party accused; and such Justice and Justices, respectively, shall subscribe all such examinations, informations, bailments, and recognizances, and deliver, or cause the same to be delivered, to the Clerk

Before any person charged with felony, &c., shall be bailed or committed, the Justices shall take down in writing the examination, &c., and bind witnesses to appear at the trial.

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6 September 1834.

Duty of Justices on a charge of misdemeanor.

Examinations, &c., to be delivered to the proper officer ten days before the opening of the Court.

Duty of Coroners.

Penalties on Justices and Coroners.

In cases of joint property it is sufficient to state the property to belong to one of the parties by name, and another or others, &c.

Property belonging to the public or any parish may be laid in the inhabitants of the Island, or in Churchwarden, &c.

of the Crown, or his lawful deputy, ten days (at the least) before the opening of the Court. And that every Justice of the Peace, before whom any person shall be taken on a charge of misdemeanor, or suspicion thereof, shall take the examination of the person charged, and the information upon oath, of those who shall know the facts and circumstances of the case, and shall put the same, or as much thereof as shall be material, into writing, before he shall commit to prison or require bail from the person so charged, and in every case of bailment shall certify the bailment in writing, and shall have authority to bind all persons by recognizance, to appear to prosecute or give evidence against the party accused, in like manner as in cases of felony, and shall subscribe all examinations, informations, bailments, and recognizances, and deliver, or cause the same to be delivered, to the Clerk of the Crown, or his lawful deputy, ten days (at the least) before the opening of the Court, in like manner as in cases of felony.

3. And be it further enacted, That every Coroner, upon inquisition before him taken, whereby any person shall be indicted for manslaughter, or as an accessory to murder, before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind by recognizance all such persons as know or declare any thing material, touching the said manslaughter, or murder, or the said offence of being accessory to murder, to appear at the next Court of Oyer and Terminer or Gaol Delivery, or other superior Criminal Courts or Courts of Grand Sessions or Session of the Peace, held for the body of this Island at which the trial is to be, then and there to prosecute or give evidence against the party charged. And every such Coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver, or cause the same to be delivered, to the Clerk of the Crown, or his lawful deputy, ten days (at the least) before the opening of the Court.

4. And be it further enacted, That if any Justice or Coroner shall offend in any thing contrary to the true intent and meaning of these provisions, the Court, to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition, ought to have been delivered, shall upon examination and proof of the offence, in a summary manner, set such fine upon every such Justice, or Coroner, as the Court shall think meet.

8. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners, and their joint owners: Be it enacted, That in any indictment or information for any felony or misdemeanor, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to, or be in the possession of more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named and another, or others as the case may be; and whenever, in any indictment or information for any felony or misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision shall be construed to extend to all joint-stock companies and trustees.

9. And with respect to the public property of the inhabitants of this Island, or of any parish or parishes within the same: Be it enacted, that in any indictment, inquisition, or information, for any felony or misdemeanor committed in, upon, or with respect to any bridge, gaol, house of correction, infirmary, asylum, school, work-house, or poor-house, or other building erected or maintained in whole or in part at the expense of the inhabitants of this Island, or of any parish or parishes within the same, or on or with respect to any goods or chattels whatsoever, provided for the use of any such building, or of any person in, belonging to, or attached to the same, or at the expense of the inhabitants of this Island,

or of any parish or parishes within the same, to be used for making, altering, or repairing any bridge or any highway, at the ends thereof, or any such building as aforesaid, or to be used in or with any such building, it shall be sufficient to state any such property, real, or personal, to belong to the inhabitants of this Island, or of any parish or parishes within the same, or to the overseers of the poor, or Churchwardens for the time being; and it shall not be necessary to specify the names of any of such inhabitants, or of all or any such overseers or Churchwardens; and in any indictment, inquisition, or information, for any felony or misdemeanor committed on or with respect to any materials, tools, or implements, provided for making, altering, or repairing any street or highway in any town or parish within this Island, it shall be sufficient to aver that any such things are the property of the surveyor or surveyors of the streets or highways for the time being, of such town or parish, and it shall not be necessary to specify the name or names of any such surveyor or surveyors.

Materials for repairing highways, &c., may be laid to be the property of the surveyor.

10. And for preventing abuses from dilatory pleas, be it enacted, That no indictment or information shall be abated by reason of any dilatory plea of misnomer, or want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied by affidavit or otherwise, of the truth of such plea, but in such case, the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

Indictment, &c., not to abate by plea of misnomer, &c.

11. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties, be it enacted, That no judgment upon any indictment or information for any felony or misdemeanor, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed, for want of the averment of any matter, unnecessary to be proved, nor for the omission of the words "as appears by the record" or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the Statutes," or *vice versa*, nor for that any person or persons mentioned in the indictment or information, is or are designated by the name of office or other descriptive appellation, instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence; nor for stating the time imperfectly: nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venire, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

What defects shall not vitiate an indictment after verdict or otherwise.

12. And be it further enacted, That no judgment after verdict upon any indictment or information for any felony or misdemeanor shall be stayed or reversed for want of a similiter; nor by reason that the jury process has been awarded to a wrong officer, or upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors; nor because any person has served upon the jury who has not been duly returned to serve as a juror—and that where the offence charged has been created by any Statute or subject to a greater degree of punishment, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the Statute, if it describe the offence in the words of the Statute.

No judgment after verdict for any felony or misdemeanor shall be stayed by reason of any of the matters herein contained.

13. And be it enacted, That if any person, being arraigned upon any indictment or inquisition for any treason, felony, or piracy, shall plead thereto a plea of "Not Guilty," he shall, by such plea, without any further form, be deemed to have put himself upon the country for trial; and the Court shall, in the usual manner, order a jury for the trial of such persons accordingly.

The plea of "Not Guilty," sufficient to put any person on his trial.

14. And be it enacted, That if any person, being arraigned upon or

Where a party refuse

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6 September 1834.

to plead, the Court may order a plea of "Not Guilty" to be entered.

Every challenge beyond the legal number shall be void.

Plea of attainder no bar, if offence be substantially the same.

Jury not to inquire of prisoner's lands, &c., nor whether he fled.

Benefit of clergy abolished.

What felonies only shall be capital.

Felonies not capital punishable under Acts, if any, relating thereto; if none, under this Act.

The Court may order hard labour or solitary confinement together with imprisonment.

If a person under sentence for another crime be convicted of felony, the Court may pass a second sentence to commence after the expiration of the first.

charged with any indictment, inquisition, or information, for any treason, felony, or piracy, or misdemeanor, shall stand mute, or will not answer directly to such indictment, inquisition, or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty" on behalf of such person; and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

15. And be it enacted, That if any person, arraigned upon any indictment or inquisition for any treason, felony, or piracy, shall challenge, peremptorily, a greater number of the men returned to be of the jury, than such person is entitled by law so to challenge, in any of the said cases, every peremptory challenge, beyond the number allowed by law, in any of the said cases, shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

16. And be it enacted, That no plea, setting forth any attainder, shall be pleaded in bar of any indictment, unless the offence stated in the plea be substantially the same offence as that charged in the indictment.

17. And be it enacted, That where any person shall be arraigned upon any indictment for treason or felony, the jury empanelled to try such persons shall not be charged to inquire concerning the lands, tenements, or goods; nor whether he fled for such treason or felony.

18. And be it enacted, That benefit of clergy, with respect to persons convicted of felony, shall be abolished; but that nothing herein contained shall prevent the joinder, in any indictment, of any counts which might have been joined before the passing of this Act.

19. And be it enacted, That no person, convicted of felony, shall suffer death, unless it be for some felony which was excluded from the benefit of clergy before the passing of this Act, or which had been or shall be made punishable with death by some Statute passed after the same.

20. And be it enacted, That every person convicted of any felony not punishable with death, shall be punished in the manner prescribed by the Statute or Statutes specially relating to such felony, and that every person convicted of any felony, for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be transported beyond the seas for any term not exceeding Seven years, or to be imprisoned for any term not exceeding Two Years; and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit and direct), in addition to such imprisonment.

21. And with regard to the place and mode of imprisonment for all offences punishable under this Act, be it enacted, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol, or such other place within this Island as the Court shall think fit: and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonments with hard labour, as to the Court, in its discretion, shall seem meet.

22. And be it enacted, That wherever sentence shall be passed for any felony, on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence, either of imprisonment or of transportation, the Court, if empowered to pass sentence of transportation, may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment or transportation to which such person shall have been previously sentenced, although the aggregate

term of imprisonment or transportation, respectively, may exceed the term for which either of those punishments could be otherwise awarded.

23. And whereas it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction of felony, whether such conviction shall have taken place before or after the commencement of this Act: Be it therefore enacted, That if any person shall be convicted of any felony not punishable with death, committed after a previous conviction for felony, such person shall, on such subsequent conviction, be liable, at the discretion of the Court, to be Transported beyond the seas for Life, or for any term not less than Seven Years, or to be Imprisoned for any term not exceeding Four Years, and if a male, to be once, twice, or thrice, publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment; and in an indictment for any such felony, committed after a previous conviction for felony, it shall be sufficient to state that the offender was, at a certain time and place, convicted of felony, without otherwise describing the previous felony, and a certificate, containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the Clerk of the Court, or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, for which certificate a fee of six shillings and threepence, and no more, shall be demanded or taken, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction of such offender, without proof of the signature or official character of the person appearing to have signed the same; and if any such clerk, officer, or deputy, shall utter a false certificate of any indictment and conviction for a previous felony, or if any person, other than such clerk, officer, or deputy, shall sign any such certificate as such clerk, officer, or deputy, or shall utter any such certificate with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof, shall be liable, at the discretion of the Court, to be Transported beyond the seas for any term not exceeding Seven Years, or to be Imprisoned for any term not exceeding Two Years, and if a male, to be once, twice, or thrice, publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

Punishment for a subsequent felony.

Form of indictment for the subsequent felony.

What shall be sufficient proof of the conviction.

Uttering false certificate of conviction.

Punishment, &c.

24. And be it enacted, That all offences committed within the jurisdiction of, and duly prosecuted in, any Court of Vice-admiralty Sessions, lawfully held within this Island, shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offences had been committed upon the land.

Offences committed within jurisdiction of Court of Vice-Admiralty punished as if committed on land.

25. And be it declared and enacted, That where either a free or conditional pardon is lawfully granted to any offender convicted of any felony punishable with death, or otherwise, the discharge of such offender out of custody, in the case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the same effect, within this Island, as a pardon under the great seal of England has in England for such offender, as to the felony for which such pardon shall be so granted: Provided always, that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction, for any felony committed after the granting of any such pardon.

Effect of a free pardon to a convict.

Proviso.

26. And be it enacted, That wherever this or any other Statute, in force in this Island, relating to any offence, whether punishable upon any indictment or summary conviction, in describing or referring to the offence, or the subject matter thereof, or to the offender, or the party affected by the offence, shall use words importing the singular number of the masculine gender only, yet the Statute shall be understood to include several matters as well as one matter, and several persons as well as one

Rule for interpretation of all criminal Statutes.

No. 79.
6 September 1834.

person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body corporate shall be the party aggrieved.

Extends 32nd sec. of
7 Geo. IV., cap. 64,
to this Island.

27. Whereas various Statutes of the Imperial Parliament of Great Britain have been repealed by an Act passed in the seventh year of the reign of his late Majesty, George the Fourth, entitled "An Act for the improving the Administration of Criminal Justice in England;" and whereas, certain of those Statutes so repealed, were in force in this Island, and it is expedient that they should be also repealed by the Legislature of this Island: Be it therefore enacted, that the thirty-second clause or section of the said Statute, entitled "An Act for the improving the Administration of Criminal Justice in England," shall be extended to this Island; and the same is hereby declared to be in full force, and to have the same effect in this Island, for the purposes therein mentioned, as the said clause or section of the said Statute now hath in that part of the United Kingdom called England.

28. And be it enacted, That this Act shall commence and come into operation, in this Island, from and immediately after the passing of the same.

No. 80.
6 September 1834.

No. 80.

6 September 1834.]—AN ACT to prevent a failure of Justice by reason of variances between Records and Writings produced in evidence in support thereof.

Preamble.

WHEREAS great delay, and frequently failure of justice, take place at trials, by reason of variances between writings produced in evidence, and the recital or setting forth thereof, upon the record on which the trial is had, in matters not material to the merits of the case; and such records cannot, now, in any case, be amended at the trial, and, in some cases, cannot be amended at any time: For remedy whereof, be it enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same:—

In cases where a variance shall appear between written or printed evidence and the record, the Court may order the record to be amended on payment of costs.

1. That it shall and may be lawful for every Court of Record, holding plea in civil actions, and any Court of Grand Sessions, of Oyer and Terminer, and General Gaol Delivery and General Sessions of the Peace, held for the body of the Island, if such Court shall see fit so to do, to cause the record, on which any trial may be pending before any such Court in any civil action, or in any indictment for any misdemeanor, when any variance shall appear between any matter in writing or in print, produced in evidence, and the recital or setting forth thereof upon the record, whereon the trial is pending, to be forthwith amended in such particular, by some officer of the Court, on payment of such costs (if any) to the other party, as such Court shall think reasonable, and thereupon the trial shall proceed as if no such variance had appeared; and, in all such cases, such order, for the amendment of the record, shall be, forthwith, endorsed on such record, by the officer of the Court by whom it is made.

No. 81.

No. 81.
17 September 1834.

17 September 1834.]—AN ACT to limit the Jurisdiction of Justices of the Peace.

[Clause 3 has been repealed.]

WHEREAS great inconvenience has frequently arisen from complaints being preferred before magistrates, for the body of this Island, who are resident at a considerable distance from the place where alleged offences are sworn to have been committed :—

1. Be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That any complaint, which is cognizable by Justices of the Peace for this Island, shall be preferred and heard before any sworn Justice who may be resident in the parish in which the said offence shall be sworn to have been committed, and that no sworn Justice shall take cognizance of any complaint which may be preferred before him, unless such complaint shall have been sworn to, as having been committed within the parish in which such Justice shall usually reside.

The jurisdiction of Justices of the Peace confined to offences committed in their parishes.
See Act passed 5 Jan. 1839.

2. And be it further enacted, That if there shall be no sworn Justice of the Peace resident in the parish in which any offence shall have been committed, or if there be only one resident Justice, who shall be in any way a party to or connected with the proceedings necessary to be taken in any complaint, it shall be lawful for the person making any complaint in consequence of such offence, to prefer the said complaint before some neighbouring Justice of the Peace, although such Justice may be resident in any other parish than the one in which the offence may be sworn to have been committed; any thing hereinbefore contained to the contrary notwithstanding.

Exception in certain cases.

4. And whereas it may happen, in some cases, that offences may be committed so near to the line which separates one parish from another, as to lead the complainant into error as to the precise parish in which the offence was committed : Be it therefore enacted, That if, in any case, judgment shall be given against any offender, in ignorance of the precise parish in which the offence was committed, such judgment shall not, on that account, be arrested or set aside, but the same shall remain in full force and effect; any thing hereinbefore contained to the contrary notwithstanding.

Judgment not to be set aside if given in ignorance of the parish line.

No. 82.

No. 82.
23 October 1834.

23 October 1834.]—AN ACT for laying an additional Tonnage Duty on Vessels arriving at this Island, and for appropriating the Produce thereof.

[Clauses 1, 3, 4, & 5, have been repealed.]

2. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the master or commander of every ship or vessel, arriving at this Island, shall, each and every time, upon being admitted to an entry, inwards, at the Custom House for the said port of Bridge Town, or for any other port in this Island, pay to the Collector for the time being, of the said port of Bridge Town, a duty of one shilling and sixpence, sterling money of Great Britain, per ton, on the registered tonnage of such ship or vessel; which said duty shall be paid absolutely and permanently. Provided always, that small vessels, being under sixty tons burden, shall only be liable to the payment of the said tonnage duty for two voyages in each year. Provided also, that ships or vessels, both

Imposes a Tonnage Duty of 1s. 6d. sterling.
See Act of 23 July 1852.

Vessels under sixty

No. 82.

23 October 1834.

tons liable to the duty,
only for two voyages
in a year.
Proviso.

arriving and departing in ballast, shall not be liable to the said duty, and no ship or vessel shall be suffered to clear out, by the said Collector, until the said duty of one shilling and sixpence per ton hath been fully paid; the amount of such duty to be applied and disposed of in the manner hereinafter directed.

No. 83.

6 February 1835.

Recites clause of
former Act.

No. 83.
6 February 1835.]—AN ACT to amend an Act entitled “An Act for
“establishing the Assize of Household Bread made for sale, and
“for regulating the conduct of Bakers in making and vending
“such Bread.”

WHEREAS it is enacted, by the third clause of the abovesaid Act, “That
“from and after the end of one month, from the passing of the said Act,
“every baker, or vendor, of household or table bread, shall cause every
“loaf of such bread to be stamped with the initial letters of the name
“and surname of the baker or owner thereof, so that such initial letters
“may be legible after the bread is well and sufficiently baked. And
“every owner or baker of bread, who shall send out, offer, or expose for
“sale any bread not stamped as therein directed, shall, for every such
“offence, forfeit the sum of Five Pounds, current money of this Island,
“and every baker or owner of bread made for sale, who shall make use
“of any other stamp than his or her proper mark or stamp shall, for
“every such offence, forfeit the sum of Five Pounds, like current
“money :”—And whereas it has been found, that in the process of baking
the marks or letters are very frequently obliterated, and many persons
have incurred and been compelled to pay the fine, imposed by the said
recited clause notwithstanding their best endeavours to comply with
the law :

Repeals recited clause.

1. Be it therefore enacted, by the Governor, Council, and Assembly
of this Island, That the said recited clause, and everything in the afore-
said Act relating to the marking of bread, and the having a stamp for
that purpose, shall be, and the same is, hereby repealed.

Bread carried about
for sale to be in trays
marked as herein men-
tioned,

2. And be it further enacted, That within one month after the pass-
ing of this Act, all persons who shall send out bread for sale, shall cause
the same to be carried in a tray with the Christian and Surname of the
party sending out the same for sale, or the name of the firm, in case of a
partnership, marked in legible characters on such tray. And any person
who shall, after the period aforesaid, send, or cause to be sent out, any
bread for sale, without causing the same to be carried in a tray thus
marked, shall forfeit the sum of Fifty Shillings, like current money, to
be recovered in a summary manner before any Justice of the Peace of
the parish where the offender shall reside. And it shall be lawful for
any police officer, or constable, to apprehend any person carrying about
any bread for sale without having the same in a tray so marked, and
take the person apprehended before a Justice of the Peace of the parish
in which such person shall be apprehended; and if it shall appear to
such Justice that such bread was carried about for sale, he shall condemn
the same as forfeited, and send it to the Churchwarden of the parish, for
the use of the poor; and he shall also adjudge the person carrying about
such bread for sale in the above penalty, unless such person shall furnish
such evidence as shall convict his or her employer. And the same pro-
ceedings shall be had for the recovery of any penalty incurred by this
Act, as is had in the case of servants' wages; and one moiety of such
penalty shall be paid to the complainant, and the other moiety to the
Treasurer of the Island for the use of the public.

under penalty of 50s.

Police officer or con-
stable may apprehend
any person carrying
about bread for sale
contrary to this Act;
such person how to be
dealt with.

No. 84.

No. 84.
27 March 1835.

27 March 1835.]—AN ACT to increase the Number of Gaugers for the Port of Bridge-Town.

[Clause 3 has been repealed.]

WHEREAS by the Act of this Island, entitled “An Act for the better ascer- Preamble.
taining the true and exact Gauge and Tare of Casks,” bearing date the first day of September, One thousand seven hundred and thirty-six, the General Assembly of this Island is authorized to nominate, subject to the approval of the Governor, or Commander-in-Chief, and Council, some honest and skilful person or persons to be gauger or gaugers, in and for each of the ports of this Island :—

1. Be it enacted by His Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General, and Governor-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same; the honourable the members of his Majesty's Council; and the General Assembly of this Island; and by the authority of the same :

2. That it shall and may be lawful to nominate and appoint three gaugers for the said port of Bridge-Town, in the manner provided in and by the Act or Statute aforesaid, each of whom, and all other sworn gaugers in the Island, shall be entitled to demand and receive the sum of one shilling, currency, for each and every cask which shall be gauged by them, or either of them, to be paid by the party upon whose application the same may be gauged: and in default of payment, the same may be recovered in a summary manner, as in the case of servants' wages. Provided always, that when wines or other liquors are gauged by order of the Treasurer of the Island, to ascertain the quantity on which to charge the excise duty, the same shall be paid for as heretofore, out of the Public Treasury.

Three gaugers to be allowed for Bridge-Town.
Their fees.

No. 85.

No. 85.
19 August 1835.

19 August 1835.]—AN ACT to amend an Act, entitled “An Act to “establish a Police in Bridge-Town, in the Parish of Saint “Michael.”

[Clause 2 has been repealed.]

WHEREAS it is expedient to amend the said Act, by vesting the power of Preamble.
appointment of Justices of the Peace, to carry the said Act into effect, in the Governor alone: May it therefore please your Majesty, that it may be enacted; and be it enacted by the Governor, Council, and Assembly, of this your Majesty's Island of Barbados :—

1. That the third clause of the said Act, entitled “An Act to establish a Police in Bridge-Town, in the Parish of Saint Michael,” so far as the same vests the appointment of the Justices of the Peace, therein required to be appointed, in the Governor in Council, by and with the advice and concurrence of the Council, shall be, and the same is, hereby repealed; and the Justices, therein required to be nominated and appointed, shall be nominated and appointed by the Governor, or Commander-in-Chief of this Island, alone; and all vacancies shall, in like manner, be filled up by the appointment of the Governor, and Commander-in-Chief, alone.

Governor alone to appoint the Bridge-Town magistrates.

No. 86.

7 September 1835.

No. 86.

7 September 1835.]—AN ACT to assist the Parishes in the Rebuilding of their Parish Churches.

[Clauses 1, 2, 3, 4, 5, 6, 7, 8, & 9, have had their effect.]

Preamble.

WHEREAS the parish churches of Christ Church, Saint Philip, Saint John, Saint Thomas, Saint Joseph, Saint Peter, and Saint Lucy, were totally destroyed by the hurricane of the Eleventh day of August, One thousand eight hundred and thirty-one, and the inhabitants of those parishes, from the great losses they otherwise also sustained by such hurricane, have been unable to rebuild their churches: It is therefore expedient that assistance should be afforded them for that purpose.

Be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, his Majesty's Captain-General and Governor-in-chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same.

Subscribers to the rebuilding of such churches to have choice of seats,

10. And to encourage the building of the said churches, be it also enacted by the authority aforesaid, That all persons, being parishioners, who shall contribute by subscription towards the rebuilding of any of the aforesaid churches, shall have choice of pews, at the rate fixed for the rent thereof by the Vestry and Churchwarden of any such parish, with the consent of the Rector, and approval and sanction of the Bishop, in the order of their amount of subscription, and as to subscribers of the same amount in the order of their subscriptions. And it shall also be lawful for the Vestry and Churchwarden of any such parish, with the consent of the Rector, and sanction of the Bishop, to discharge any such subscribers to the rebuilding of any such church, wholly, or in part, from the payment of pew-rents therein, for a limited time, or for life, in such proportion, to the amount of their respective subscription, as they shall think fit, and may allow any such subscriber, on removal from the parish, to assign the remainder of his time to any other parishioner and inhabitant.

and may be exempted from payment of pew-rents for a time.

No. 87.

14 September 1835.

No. 87.

14 September 1835.]—AN ACT to provide for the Building of Houses of Correction, and Police Establishments.

Commissioners from the Council and Assembly to carry the Act into execution, to be appointed by the Governor.

WHEREAS it is expedient that there should be a Police Establishment and House of Correction in each of the Districts of this Island:

1. Be it therefore enacted, by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same: That it shall be lawful for the Governor, or Commander-in-Chief of this Island, for the time being, by warrant, under his sign manual, to appoint three members of his Majesty's Council, and five members of the General Assembly, to be Commissioners to carry this Act into execution, and also, from time to time, to fill up all vacancies that may happen by death, or otherwise, amongst the said Commissioners, and until any such vacancies shall be filled up, it shall be lawful for the surviving or continuing Commissioners to act, as if no such vacancy or vacancies had occurred.

Five to be a Board, of whom one must be of the Council.

2. And be it further enacted, That all acts, matters, and things, which the said Commissioners for the execution of this Act are, by this Act, authorized to do, or execute, may be done and executed by any five or more of such Commissioners; one, at least, being of the Council.

3. And be it further enacted, That the said Commissioners shall be empowered, and they are hereby directed, to purchase, or complete the purchase, of six spots or parcels of land, with or without buildings thereon, one in each of the districts of this Island, in such convenient situations as may be best adapted, from their locality, for the erection of police establishments and houses of correction: Provided that none of such spots or parcels of land shall exceed two acres.

No. 87.
14 September 1835.

Empowered to purchase six spots of land.

Proviso.

4. And be it further enacted, That it shall be lawful for all bodies politic and corporate, and also, for all guardians, committees, husbands, and trustees, and for all other persons who are or shall be seized, possessed of, or interested in, any lands or buildings which shall be deemed necessary for the purposes of this Act, to contract or agree for the sale of, and to sell, convey, and assure such lands or buildings unto such persons as shall be named by the said Commissioners, in trust, and for the purpose of erecting thereon such police settlements and houses of correction.

Who may contract for the sale of such lands.

5. And be it further enacted, That in case the owner or owners, or any such corporation, guardian, committee, trustee, or other person interested in any lands which shall be deemed necessary for the purpose of erecting thereon any such police establishments and houses of correction, shall refuse to treat or accept such price as shall be offered, by the said Commissioners, or otherwise not agree for the sale of such land, it shall be lawful for the said Commissioners to have the same valued by a jury, to be summoned and held in the manner prescribed by the Act of this Island, directing the mode of proceeding in the laying out of jury roads; and upon payment of the valuation so to be ascertained, that is to say—first, in or towards the payment and discharge of any sums due, or charges or incumbrances, and liens, if any, affecting the said land, and then to the owners of such land, or to such corporation, whether sole or aggregate, or to such guardian, committee, husband, or trustee, (to be laid out by such body corporate, guardian, committee, husband, or trustee, in the purchase of other lands or hereditaments, for the use of such body corporate, or of such infant, lunatic, female covert, or other person or persons labouring under any other disabilities); the owner or owners of such land, and also the owners of any such incumbrances, charges, and liens respectively, and every such body corporate, guardian, committee, or trustee, shall make and execute, or procure to be made and executed, to such person or persons as shall be named by the said Commissioners, and to the heirs of such person or persons, a good and sufficient conveyance, or good and sufficient conveyances, thereby granting, releasing, and assuring to them the said lands, with any buildings that may be thereon, in trust, for the purposes of this Act; and immediately, upon payment or tender of such valuation as aforesaid, the said land, buildings, and premises, so valued, shall vest in the person or persons to be named by the said Commissioners, and his and their heirs, in trust, and for the purpose of having police establishments formed, and houses of correction erected thereon; and such person or persons shall be deemed (in law) to be in the actual seisin and possession thereof, to all intents and purposes whatsoever, as fully and effectually as if every person, having any estate in the premises in possession, remainder, reversion, or expectancy, or any charge, incumbrance, or lien thereon, was of full age, and of sound mind and memory, and had actually and duly conveyed the same to such trustee or trustees by lease and release, bargain and sale, feoffment with livery and seisin, or any other legal conveyance whatsoever.

If owners, &c., refuse to sell, Commissioners may have the lands, &c., valued by a jury.

Valuation, to whom to be paid.

Who are to execute conveyances for such lands, &c., and to whom.

Effect of payment, or tender of valuation.

6. And be it further enacted, That all lands and hereditaments which shall become vested in such trustee or trustees, or his or their heirs, for the purposes of this Act, shall be held by such trustee and trustees, and his and their heirs, free from all liens and incumbrances whatsoever.

Such lands, when vested in the trustees, freed from all incumbrances.

7. Provided always, and be it further enacted, That if in the appropriation of any such parcel of land, for the purposes of this Act, it shall so diminish the lands of any person, as to deprive such person of the

Rights of freeholders preserved.

No. 87.

14 September 1835.

Commissioners to cause police settlements and houses of correction to be built on such lands,

and to cause necessary repairs to be made thereto; and signal post to be erected at each station, and enter into contracts, &c.

Tenders to be advertised for, and bonds taken from contractors.

Commissioners to draw orders on the Treasurer,

and may appoint a surveyor of the buildings.

Recites former contracts.

rights and privileges of a freeholder, then, and in such case, the fee simple of the land so purchased, or appropriated as aforesaid, shall be deemed and considered as still being in such person, so far as to preserve to such person the rights and privileges of a freeholder; but not further or otherwise, or for any other purpose whatsoever.

8. And be it further enacted, That the said Commissioners shall cause the buildings necessary for such police settlements, and houses of correction, to be erected on such plan or plans as may appear to them best suited to each of the said several districts, and shall contract and agree with proper persons for the erection of such buildings, on each of the several spots or parcels of land, as may be necessary for such police settlements; such buildings to be built according to such plan or plans as aforesaid, and subject to such alterations as, from time to time, may seem, to the said Commissioners, to be necessary and expedient; and the said Commissioners are also hereby empowered and required, from time to time, to cause such necessary repairs to be made to such buildings, as shall be required; and at each of the said several stations, or settlements, there shall be erected a signal-post, so as to communicate, by telegraph, with each other, or with any one (or more) of the signal-posts already established; and the said Commissioners are hereby authorized to execute any agreement in writing, on behalf of the public, with any person or persons to be employed in the erection of such buildings, and for completing the same in a proper and workmanlike manner. Provided always, that tenders for such contracts shall be advertised in one or more of the newspapers of this Island, and that the lowest and most eligible tender, if approved, shall be accepted by the said Commissioners, and they are hereby required to take a bond or bonds, from the contractor or contractors, in such penalty, or penalties, as shall seem proper to them, and with two good and sufficient sureties, to be approved of by them, for the due and prompt performance of his or their contract or contracts; and from time to time, as any sum or sums of money shall become due to the person or persons from whom such spots or parcels of land, as aforesaid, shall have been purchased, or to such contractor or contractors, under and by virtue of any such contract or contracts as aforesaid, or for repairs, the said Commissioners shall draw an order, or orders, on the Treasurer of the Island for the payment of such sum or sums of money to such person or persons, or to such contractor or contractors, or for repairs, respectively; which order, or orders, the Treasurer is hereby directed to pay out of any moneys that may be in the Treasury; and the said Commissioners, if they shall think proper, are hereby also authorized to appoint some competent person, or persons, to inspect and survey the said buildings, and see that the same are finished in a faithful and workmanlike manner, and according to the contract or agreement for building the same; and such person or persons, so to be appointed, shall receive such remuneration for his or their trouble, as shall be agreed upon by the said Commissioners and such person or persons; and the said Commissioners are hereby authorized to draw an order, or orders, on the Treasurer of the Island, for the payment of such remuneration to such person or persons; which order, the Treasurer is hereby authorized and required to pay.

9. And whereas certain contracts have been entered into, for the purchase of lands and erecting of police establishments, and other necessary things for the use of the police; and certain lands have been appropriated for these purposes, and particularly a certain part of the glebe land of the parish of Saint Michael hath been so appropriated by certain Commissioners, acting under the authority of a certain Act of this Island, which passed on the Fourteenth day of July, One thousand eight hundred and thirty-four, being an Act for the Establishment of a Rural Police for this Island, and for the erection of Houses of Correction, but which Act has been disallowed by his Majesty; and whereas it is desirable that all contracts so entered into, and all lands so appropriated, and all buildings begun to be erected thereon, should be carried into effect and completed;

Be it therefore enacted, That the Commissioners to be appointed under the authority of this Act, are hereby authorized and required to ratify and confirm all such contracts, or, if necessary, to enter into any new contract or contracts with the parties, touching the premises; and the said Commissioners are hereby authorized to draw an order, or orders, on the Treasurer of the Island, for the payment of any sum, or sums of money, which may be due and owing to any person, or persons, from whom any such lands have been purchased, or with whom any such contract or contracts have been entered by the said former Commissioners; which order, or orders, the Treasurer is hereby directed to pay, out of any moneys that may be in the Treasury; and the said Commissioners are hereby directed to pay unto the Rector of the said parish of Saint Michael such sum and sums of money as shall have been agreed upon by the said former Commissioners, or as shall be agreed upon by the Commissioners to be appointed under the authority of this Act with the said Rector, with the consent of the Patron, and of the Bishop of the diocese, as the purchase money of the said piece of land, so appropriated, for the erection of a police establishment and house of correction, and also such further sum as the said Commissioners shall consider as an equivalent for the materials taken from the other parts of the said glebe land, to assist in the erection of the said police establishment and house of correction for the district of Saint Michael, and to draw upon the Treasurer for the same. And the Rector of the parish, on receiving payment thereof, is hereby required to invest all such sum and sums of money, so paid to him, in the purchase of such other lands or hereditaments, for the benefit of himself and his successors, Rectors of the said parish, as shall be sanctioned by the Patron and Bishop of the diocese.

No. 87.
14 September 1835.

Commissioners may ratify contracts entered into by former Commissioners.

Glebe land of Saint Michael appropriated; how to be paid for, &c.

Rector how to invest purchase money.

10. And be it further enacted, That the Committee of Public Accounts is hereby required to allow to the said Treasurer, in his accounts, all sums of money so drawn for as aforesaid, and also all other sums of money which shall have been previously drawn for by the persons appointed Commissioners under the said disallowed Act, and which shall have been appropriated for and towards the payment of the purchase money of any such lands, or the erection of any such buildings to serve as police establishments and houses of correction in any of the said districts, or for the supply of necessary things for the use of the police.

Committee of Public Accounts to allow Treasurer all sums of money drawn for by the former Commissioners, &c.

No. 88.

9 December 1835.]—AN ACT for the better regulating the Common Gaol of this Island.

No. 88.
9 December 1835.

[Clauses 1, 2, 4, 5, 8, 9, & 11, have been repealed.]

Be it enacted by the Governor-General, Council, and Assembly of this Island, and by the authority of the same, That—

3. The Board of Superintendence shall call on the Town-Hall Committee to make such alterations, additions, or improvements to the building commonly called or used as the common gaol of this Island, as in the judgment of the said Board of Superintendence, and sanctioned by the Governor in Council, shall appear to them necessary for the health, custody, classification, and improvement of the prisoners committed to the said gaol; and the said Town-Hall Committee are hereby required, as speedily as possible, to have made and constructed all such cells, alterations, additions or improvements, as shall be pointed out to them, and declared to be necessary, by the said Board of Superintendence; and the costs and expense attendant upon such work shall be paid by the Treasurer of the Island, and be allowed by the Committee of Public Accounts.

Town-Hall Committee to make such alterations, &c., in the gaol as the Board, sanctioned by the Governor in Council, shall direct.

6. Any prisoner who may be a dissenter, and who may be desirous of conferring with any Catholic or Dissenting Minister, shall make application for the same to the Provost-Marshal, or his deputy, specifying the minister whom he or she shall desire to communicate with, and the

Dissenters and Catholics may confer with their own ministers.

124 *Regulating Sale of Houses and Land attached under Executions.*

No. 88.
9 December 1835.

Provost-Marshal or his deputy, is hereby required to give a ticket (or admission) to such Catholic or Dissenting Minister, after inquiring into his character, for the purposes aforesaid.

No. 89.
17 December 1835.

No. 89.

17 December 1835.]—AN ACT to authorize and regulate the Sale of Houses and Lands attached under Executions issuing out of the several Courts of Common Pleas, or the Court of Exchequer, or Court of Chancery of this Island, and to prevent delays in the proceedings under such Executions.

[1, 13, 17 and 20, repeal or inoperative clauses.]

Preamble.
See Act passed 29 August 1848.

WHEREAS the laying off of houses and lands in satisfaction of their demands is attended with great inconvenience and injustice to creditors: for remedy thereof may it please your most gracious Majesty, that it may be enacted, and be it therefore enacted by his Excellency the Governor, the Honourable the Members of Council, and the General Assembly of this your Majesty's Island of Barbados.

Provost-Marshal to sell lands, &c., attached by public auction, &c.

2. And be it further enacted, That the Provost-Marshal of this Island, or his lawful deputy, shall cause all lands and houses that shall have been attached and appraised (but not actually laid off in satisfaction of any execution previously to the passing of this Act), and also all lands and houses which shall be hereafter attached and appraised under any execution issuing out of any of the Courts of Common Pleas, or the Court of Exchequer, or Court of Chancery in this Island, to be sold at public auction during any period of the year, in the manner hereinafter prescribed; giving fourteen days' previous notice of such sale, which notice shall be set up in some conspicuous part of his office, and shall state the situation of the property, the appraised value thereof, and the time and place when and where the same will be set up for sale, and such notice shall also be advertised in one of the public newspapers of this Island, by the said Provost-Marshal or his lawful deputy, and at the time and place appointed for the sale of such property, the said Provost-Marshal, or his lawful deputy shall set up the same for sale at public auction upon the following conditions:—that is to say, the highest bidder for not less than the appraised value shall be declared the purchaser, and shall pay down a deposit of five per cent. on the amount of the purchase money to the Provost-Marshal, or his lawful deputy; the purchaser shall within twenty days pay down one half of the purchase money, and the other half shall be paid in twelve calendar months from the date of such purchase, with lawful interest, and the deposit shall be allowed as part of the first payment; and the purchaser shall, at the time of making the first payment, deliver to the Provost-Marshal or his lawful deputy, a judgment confessed by him for securing the balance of the purchase money and interest, at the time when the same shall become payable, together with the fee for taking out the execution on such judgment, and also a fee of two shillings and sixpence to the Marshal for lodging and taking out the execution thereon; which judgment shall have priority against the property purchased, to all judgments or other securities against the purchaser, and such judgment shall be in the form annexed, marked A, and furnished by the Provost-Marshal, for which he shall receive a fee of two shillings and sixpence on receiving the first payment of the purchase money; and the said judgment so confessed, the said Provost-Marshal or his lawful deputy shall execute a conveyance of the property so sold in the form hereunto annexed, marked with the letter B, and such conveyance shall be good and effectual in the law for the purpose of conveying all the estate, right, title, and interest of the debtor, in and to the property so conveyed, and such property shall not be subject to be redeemed by the debtor, or his heirs; any law, usage, or custom to

Giving fourteen days' notice, &c.

Conditions of sale.
Purchaser to give security, &c.

Marshal to execute a conveyance, &c.

Property sold, not redeemable.

the contrary notwithstanding. And in case the title of any house, land, or other property sold under this Act shall be questioned, the purchaser or purchasers, his or their heirs or assigns, shall vouch the debtor or debtors for the payment of whose debt the same was sold, and upon eviction thereof such purchaser or purchasers shall be forthwith repaid in reasonable value out of the estate of such debtor or debtors, in case such eviction shall have been caused by any act, deed, matter or thing done, executed, occasioned or knowingly suffered or omitted by the said debtor or debtors, his, her, or their ancestors, devisors, or other person or persons claiming under him, her, or them, or any of them; and the Court in which such eviction shall take place shall have full power to give judgment against such debtor or debtors, and to issue a writ of inquiry on such judgment for the purpose of ascertaining the damage sustained by such purchaser or purchasers, or his or their heirs or assigns.

Remedy of purchaser, if evicted, of property purchased at Marshal's sale.

3. And be it further enacted, That the debtor or debtors, whose property shall be attached and appraised for the payment of any debt or sum of money due under any execution, shall on request deliver to the Provost-Marshal or his lawful deputy, the title deeds relating to such property, in the possession or power of such debtor or debtors, and if required shall make oath or affirmation thereof, which oath or affirmation the said Provost-Marshal or his lawful deputy, is hereby authorized to administer: and in case any debtor or debtors shall neglect or refuse to deliver his, her, or their title deeds, or to make oath or affirmation respecting the same, the said Provost-Marshal or his lawful deputy, is hereby authorized to postpone the sale of the property, if he shall think fit, and make a report to the Court from which the execution issued, and such Court is hereby authorized to examine the debtor or debtors on interrogatories on oath or affirmation touching the premises, and on refusal of such debtor or debtors to answer such interrogatories, to commit such debtor or debtors for a contempt, until he, she, or they shall answer the same, and such Court shall give such order respecting the property, as the justice of the case shall require; and such debtor or debtors shall, at the time of delivering up his, her, or their title deeds, also state on oath or affirmation before the said Provost-Marshal or his lawful deputy, who is hereby authorized to administer the same, what are the incumbrances affecting such property so levied on, so far as the same may be within the knowledge of the said debtor or debtors, and on refusal so to do, such debtor or debtors shall be liable to be punished as for a contempt of the Court from which the execution issued, under which the levy was made; and if any such debtor or debtors shall in making any such oath or affirmation as aforesaid, wilfully and corruptly swear, affirm, or allege any matter or thing which shall be false or untrue, every such person or persons so offending, and being thereof duly convicted, shall be, and is, and are hereby declared to be subjected and liable to the pains and penalties of persons convicted of wilful perjury by any law in force at the time of such perjury being committed.

Title deeds of property attached, to be delivered to Marshal, &c.

In case of refusal by debtor, what proceedings to be taken.

4. And be it further enacted, That purchasers of any property under this Act, on payment of their deposit money, shall be put into the possession of the property, and shall be entitled, by themselves or by their legal advisers, to inspect and make extracts from the title deeds relating thereto, and in the possession of said Provost-Marshal or his lawful deputy, gratis.

Purchasers paying deposit to be put into possession, &c.

5. And be it further enacted, That if any purchaser or purchasers shall omit or refuse within the time hereinbefore prescribed, to make the first payment of his or their purchase money, and to give the judgment hereinbefore required, unless he or they shall state in writing his or their objections to the title of the purchased premises, or unless the Provost-Marshal or his lawful deputy shall grant a further time for the purpose of investigating the debtor's title to the property purchased, or for some other reasonable and just cause, he or they shall forfeit his or their deposit, and the same shall be applied towards the discharge of the execution or

Deposit forfeited by non-compliance, &c.

Unless, &c.

Deposits forfeited, how to be applied.

No. 89.
17 December 1835.

Purchaser to state objections to title in writing, &c.

If deposit be unpaid, Marshal may re-sell, &c.

and purchaser liable to action for difference.

Bill for specific performance not allowed.

Creditor may take assignment of purchaser's judgment, &c.

Fees of Provost-Marshal.

If purchase money be unpaid at the time, &c., property sold to be attached, &c.

Rules to be observed in selling property attached.

executions against the debtor or debtors, and the said Provost-Marshal shall re-attach the premises, and re-sell the same.

6. And be it further enacted, That in case any objection or objections shall be made by any purchaser or purchasers to the title of any premises purchased, such objection or objections shall be reduced to writing by such purchaser or purchasers, and delivered to the Provost-Marshal or his lawful deputy, who shall give notice thereof to the parties interested, and report the same to the Court, who shall decide on the validity thereof, and award costs or not as such Court shall deem just.

7. And be it further enacted, That in case any purchaser or purchasers shall not pay down his deposit, the Provost-Marshal or his lawful deputy may re-sell the property, by advertising the same for sale in the manner hereinbefore prescribed, and in case such property shall sell for less than the sum bid by the person or persons omitting to pay such deposit, the debtor or debtors damnified thereby, shall have an action of debt against such person or persons to recover the difference.

8. And be it further enacted, That no bill in equity for a specific performance, shall be brought against any purchaser or purchasers of any property under this Act.

9. And be it further enacted, That any creditor or creditors to the payment of whose debt or debts the moneys due under any judgment taken under this Act, shall be applicable when received, may take an absolute assignment, not returnable, of such judgment in payment of such debt or debts, entering satisfaction on the judgment or judgments against the debtor or debtors for the whole, or for so much of such debt or debts, as the amount of the judgment assigned will satisfy; and the Provost-Marshal or his lawful deputy is hereby authorized and required at the instance and request of such creditor or creditors to make such assignment.

10. And be it further enacted, That the Provost-Marshal shall be entitled to a fee of two shillings and sixpence for attending at the proper office to enter satisfaction on any judgment which shall be confessed to him by virtue of this Act, to be paid by the cognizor of such judgment, and where any assignment shall be made by him to any creditor of any judgment as aforesaid, or where any creditor shall be paid off out of moneys raised by him, he shall see that such creditor enters satisfaction for the amount assigned or paid off, and for which he shall be entitled to a fee of two shillings and sixpence, and for drawing such assignment a fee of five shillings, and for each special report he shall make to the Court, under and by virtue of this Act, he shall be entitled to a fee of twelve shillings and sixpence.

11. And be it further enacted, That if any purchaser or purchasers of any property under this Act, shall not pay the amount of his or their purchase money at the time or times when the same shall become due, the Provost-Marshal or his lawful deputy shall attach the property sold; and re-sell the same in the manner hereinbefore prescribed, and also attach any other estate or effects of the purchaser or purchasers for satisfying any deficiency: and the failure in payment of any one instalment by any purchaser or purchasers shall be construed as a forfeiture of the defeazance for the payment of the remaining instalment or instalments, and the whole balance of the purchase money shall in such case be proceeded for.

12. And be it further enacted, That where any levy shall be made on lands, the Provost Marshal or his lawful deputy shall sell as nearly as possible only so much of the land as will satisfy the execution or executions, paying over any surplus to the debtor or debtors: Provided nevertheless that when it shall be the desire of the debtor that the whole of any property shall be sold, and the creditor or creditors shall consent thereto, it shall be lawful for the Provost-Marshal or his lawful deputy to sell the whole of such property, and in all cases where any difficulty shall arise, or where the proceeding in the usual course would cause injustice,

the Provost-Marshal or his lawful deputy shall report the special circumstances to the Court, who shall direct the mode of proceeding in every such case in the manner most consonant to justice and equity, and such Court may also determine whether the whole or only a part of any property shall be sold, except in the case of houses, in which case the whole house with the outbuildings, land, yard, and appurtenances thereto belonging, or the debtor's interest therein shall be sold.

14. And be it further enacted, That where any debtor shall be entitled to an undivided estate or interest in any land or house, such interest shall be appraised and sold in the manner hereinbefore prescribed, and in case of a joint tenancy the conveyance by the Provost-Marshal or his lawful deputy, shall be a severance of such joint tenancy, and such purchaser shall hold the debtor's estate or interest in any such house or land as a tenant in common.

Undivided estate of debtor may be sold, &c.

15. And be it further enacted, That where any property shall be set up for sale under and by virtue of this Act, and the same shall not be sold on the first day of sale, such sale shall be kept open, and the Provost-Marshal may sell the same at any time for the appraised value, without setting up the same at public auction, and where any sale shall have been kept open for three months, the Provost-Marshal or his deputy may receive in writing an offer for a less sum than the appraised value, and give notice thereof to the parties interested; and in case no objection shall be made by any party interested within ten days after receiving such notice, the Provost-Marshal or his deputy may accept such offer, and declare the person making the same the purchaser; but in case any party interested shall object in writing to the acceptance of such offer, the Provost-Marshal or his deputy shall report the same to the Court, and such Court shall determine whether such offer shall be accepted.

Provision in case property be not sold on the first day, &c.

16. And be it further enacted, That all executions issuing out of the Court of Chancery of this Island whereby any moneys are to be raised, shall be executed by the Provost Marshal of this Island or his lawful deputy, and every such execution shall contain only so much of the decree on which the same shall have issue, as shall be a sufficient direction to the Provost-Marshal or his lawful deputy to raise the money therein directed to be paid, and none of the proceedings in the cause in which such decree shall have been made shall be recited or set forth in any such execution.

Executions out of Chancery, &c.

18. And to the end, that no unnecessary delays may take place in the appraising and selling of any lands, houses, hereditaments, and premises levied on as aforesaid: Be it enacted, that if any person who shall have been duly appointed and summoned for the purpose of appraising any such lands, houses, hereditaments or premises shall neglect or refuse to obey such summons, or to take the oath or to perform the service required of him by law, every such person shall forfeit and pay unto his Majesty, his heirs and successors, the sum of Five Pounds current money of this Island, to be recovered before any Justice of the Peace of the parish in which such person shall reside, on complaint by the Provost-Marshal or his lawful deputy, who is hereby required to make such complaint, unless, in the case of absence such person shall make oath before the Provost-Marshal or his lawful deputy of the cause which prevented his attendance on such appraisement, and such cause shall appear to be a reasonable one, and the same proceedings shall be adopted for the recovery of such forfeiture as in the case of servants' wages, and the same shall be paid into the Public Treasury for the use of the public.

Persons summoned to appraise, liable to a penalty of Five Pounds for not attending, &c.

19. And be it further enacted, That where any person or persons shall be imprisoned or detained in prison under any writ or writs of execution for the want of sufficient effects to satisfy the debt and costs due under and by virtue of such execution or executions, and shall during such his, her or their imprisonment acquire or become entitled to, or shall be discovered to possess any goods, chattels, estate or effects, the Provost-Marshal or his lawful deputy is hereby authorized and required to attach

Property of debtors may be attached, although debtors be imprisoned, &c.

such goods, chattels, estate and effects, and proceed to sell the same for the satisfaction of such execution or executions, in the same manner as if such person or persons had not been imprisoned; and on full payment and satisfaction of such execution or executions to liberate and discharge such person or persons.

21. And for the purpose of discouraging expensive and dilatory suits in Chancery, where parties may obtain remedy at law; Be it further enacted, That after a levy made or directed to be made under and by virtue of any such judgment or execution as aforesaid, upon any house or land not being part or parcel of a sugar or cotton plantation or estate; if any person or persons shall file any bill in the Court of Chancery of this Island, for the fore-closure of any mortgage over and affecting any such house or land, the person or persons so instituting any such suit, shall not be entitled to recover his, her, or their costs for suit, unless it shall be made to appear to the satisfaction of the same Court, that any such suit were necessary to enable the complainant or complainants to obtain some further or other relief than he, she, or they could obtain at law.

BARBADOS.

By the Chief Judge for the Precinct of

B.

This Indenture, made the day of One thousand
eight hundred and thirty between A. B., esquire, Provost-Marshal
(or deputy Provost-Marshal, as the case may be) of the Island of
Barbados, of the one part, and C. D., of the parish of and

Island abovesaid, of the other part. Whereas on the day of
One thousand eight hundred and thirty E. F., of
the parish of and Island abovesaid personally
appeared before the Honourable Chief Judge of
his Majesty's Court of Common Pleas, held for the precinct of
and confessed judgment unto G. H., for securing payment of the sum of
current money of the said Island, besides charges and interest,
on which judgment and execution issued on the day of
(or in case the execution hath issued on a decree of
the Court of Chancery). Whereas under and by virtue of a decree of the
Court of Chancery of this Island, made in a cause wherein J. K. was
complainant, and L. M. defendant, the said L. M. was decreed to pay the
said J. K. the sum of current money of this Island, with
interest, from the day of besides the costs
taxed of the said suit, and on which decree a writ of execution issued on
the day of And whereas for the satisfaction
of the moneys due under the said judgment (or decree) and execution, all
that dwelling house (or all that piece or parcel of land) situate (state the
situation) in the said Island of Barbados, and hereinafter more particularly
described, was on the day of sold by the said
A. B., Provost-Marshall, as aforesaid to the said C. D., for the sum of
current money of this Island, pursuant to the Act of this
Island in that case made and provided. And whereas the said C. D., hath
paid to the said A. B., Provost-Marshall as aforesaid, the sum of
current money of this Island, on account of the purchase money of the
said dwelling house, &c., and premises, and the said C. D. hath also on
the day of confessed a judgment before the
Honourable Chief Judge of his Majesty's Court of
Common Pleas held for the precinct of to the said
A. B., Provost-Marshall as aforesaid, to secure the payment of the sum of
being the balance of the said purchase money, and which
said sum is applicable to the payment of the moneys due under the said
judgment (or decree) and execution against the said E. F. Now this
indenture witnesseth that in consideration of the said sum of
current money as aforesaid, to the said A. B., Provost-Marshall as afore-
said, in hand, well and truly paid by the said C. D., at or before the seal-
ing and delivery of these presents, the receipt whereof he the said A. B.,
Provost-Marshall as aforesaid, doth hereby acknowledge, and therefrom
doth acquit, release, and discharge the said C. D., and in consideration of
the premises, he the said A. B., Provost-Marshall as aforesaid, by virtue
of the power given to and vested in him by the act of this Island autho-
rizing the sale of houses and lands by the Provost-Marshall, to satisfy
executions; hath granted, bargained, and sold, and by these presents doth
grant, bargain and sell unto the said C. D., and his heirs, all that (describe
the property), to have and to hold the said dwelling house and premises,
with the appurtenances thereto belonging, hereby granted and sold unto
and to the use of the said C. D., and his heirs, freed and absolutely dis-
charged of and from the said in part recited judgment (or decree) and the
execution which issued thereon against the said E. F., but subject never-
theless to and charged and chargeable with the payment of the said sum
of and interest thereon from the day of
and the said judgment and execution against the said
C. D., for securing the payment thereof, being the balance of the purchase
money of the said dwelling house and premises; prior and preferable to
all debts, claims, and demands whatsoever against the said C. D. In
witness thereof the said parties hereto set their hands and seals the day
and year first within written.

Signed, Sealed, and Delivered } (L. S.)
in the presence of } (L. S.)"

130 *Authorizing Killing or Impounding Sheep, &c., found trespassing.*

No. 90.
16 March 1836.

No. 90.

16 March 1836.]—AN ACT for establishing a Police-Settlement at Dover Fort.

Preamble.

WHEREAS it has been ascertained that the situation of Dover Fort, in the parish of St. Peter, would form an eligible position for the establishment of a police settlement and house of correction for District E; Be it therefore enacted, That the land whereon the said fort called Dover is erected, together with the said fort and buildings and erection thereon shall be, and the same is hereby declared to be vested in such person or persons, and his or their heirs, as shall be named by the Commissioners for the Building of Houses of Correction and Police Establishments, or any Board of them, in trust, and for the purpose of having a police settlement and house of correction built and established thereon, to serve as a police establishment and house of correction for District E in this Island; and the said Commissioners, or any Board of them, instead of contracting for the purchase of a spot of land on which to erect a police settlement and house of correction for District E, are hereby authorized to cause such alterations to be made in the present buildings at Dover Fort, and also to cause such other buildings to be erected on the site of the said fort, as shall appear to the said Commissioners, or any Board of them, best adapted to answer the purpose of a police station and house of correction for District E. And the said Commissioners, or any Board of them, are hereby authorized from time to time to cause all necessary repairs to be made to such buildings, and the said Commissioners, or any Board of them, are hereby authorized to enter into any contract or contracts for the alteration and erection of such buildings, in the same manner as they are authorized to contract for the building of houses of correction and police stations on the several spots of land they are empowered to purchase for that purpose, and to draw orders on the Treasurer in favour of the contractors or other persons to whom any sum or sums of money shall be due and owing for materials furnished and work and labour supplied for the purpose of erecting and completing such police station and house of correction, which orders the Treasurer is hereby directed to pay out of any of the moneys that may be in the Treasury.

Had its effect.

Commissioners authorized to repair buildings, &c.

No. 91.
19 March 1836.

No. 91.

19 March 1836.]—AN ACT to authorize the killing or impounding of Sheep, Goats, Hogs, and Feathered Stock, when found trespassing on the Lands of any Plantation or Place.

Preamble.

WHEREAS it is deemed expedient to authorize the killing or impounding of sheep, goats, hogs, or feathered stock, when found trespassing on the lands of any plantation or place: Be it therefore enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, Governor-General of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same: That it shall and may be lawful for the owner, proprietor, attorney, overseer, or other person in charge of any plantation or place, to cause any sheep, goat, hog, or feathered stock, when found trespassing on the lands of such plantation or place, either to be killed or impounded on such plantation or place; and for every sheep, goat, or hog impounded, the owner or proprietor of such plantation or place shall be entitled to a quarter dollar, and for every head of feathered stock five-pence, which, if not paid in seven days by the owner of such sheep, goat, hog, or feathered stock, it shall and may be lawful for the owner, proprietor, attorney, overseer, or other person in charge of such plantation

Sheep, goats, hogs, or feathered stock trespassing, may be killed or impounded, &c.

or place to sell such sheep, goat, hog, or feathered stock, and after deducting the sum or sums aforesaid, and the expense of feeding such sheep, goat, hog, or feathered stock, the overplus arising by such sale shall be paid over by the party impounding and selling such sheep, goat, hog, or feathered stock to the rightful owner thereof; or the owner, proprietor, attorney, overseer, or other person in charge of any plantation or place so trespassed on, may lodge a complaint before a Justice of the Peace, who is hereby required to issue a summons to any three neighbouring freeholders to attend and appraise such damage: and the said Justice of the Peace shall issue his warrant for levying and raising the amount of such damage as in the case of servants' wages, to and for the use of the party aggrieved; and if any freeholder, summoned for the purpose aforesaid, shall neglect or refuse to attend and appraise such damage, without reasonable cause, to be approved by the said Justice, he shall incur a fine of Twenty-five Shillings, to be recovered as in the case of servants' wages, and paid into the Public Treasury.

No. 91.
19 March 1836.

No. 92.

No. 92.
5 August 1836.

5 August 1836.]—AN ACT for vesting Charles Fort, and the Battery at Kendal's Point, in his Majesty, his Heirs and Successors.

WHEREAS it is deemed expedient to invest Charles Fort and the battery at Kendal's Point, with the lands, works, and buildings thereunto belonging, in his Majesty, his heirs and successors: Be it therefore enacted by the Governor-General, Council, and General Assembly of this Island, and by the authority of the same, that the said fort, called Charles Fort, and the said battery at Kendal's Point, with the lands, works, and buildings thereunto respectively belonging, and all and every the rights and privileges thereof, shall be, and the same, from and after the passing of this Act, are absolutely and for ever vested in his Majesty, his heirs and successors.

N.B.—See Despatch on this Act, read in March, 1837.

No. 93.

No. 93.
5 August 1836.

5 August 1836.]—AN ACT to provide for the erection of a Lighthouse on this Island.

[Clause 4 had its effect.]

WHEREAS the frequent wreck of vessels on the eastern and southern shores of this Island, and the consequent loss of human life, render it most important that a lighthouse should be erected as a beacon to vessels approaching the Island; and whereas his Majesty's Government have generously offered to contribute half the expense of erecting the same:

Preamble.
See Act passed
14 September 1847.

1. Be it therefore enacted by the Governor-General, Council, and General Assembly of this Island, and by the authority of the same, That the Governor-General or Commander-in-Chief of this Island for the time being, the Admiral or other Commanding Officer for the time being of his Majesty's ships and vessels of war on this station, the Commanding Royal Engineer for the time being in this Island, the President for the time being of his Majesty's Council in this Island, and the Speaker for the time being of the General Assembly of this Island, shall be, and they are hereby appointed Commissioners for carrying this Act into execution, and all acts, matters, and things which the said Commissioners are hereby authorized to do or execute, may be done and executed by any two of them, one of whom, at the least, being an officer of the army or navy.

2. And be it further enacted, That immediately after this Act shall be in force, the said Commissioners or a Board of them shall meet and

No. 93.
5 August 1836.

proceed to select such spot of land on the south-eastern coast of this Island as in their judgment may be the best for erecting a lighthouse, and when and so soon as the said Commissioners or any Board of them shall have selected such spot of land, they shall forthwith notify the same to the Treasurer of the Island for the time being, who is hereby authorized and required to contract with the owner or owners for the purchase of the same, and to pay to him, her, or them, such sum or sums of money as shall be agreed on, as and for the price of such land, and to cause and procure the said land to be conveyed to his Majesty, his heirs, and successors: and in case the owner or owners of the spot of land so to be selected, shall refuse to treat for the sale of the same, or to accept such price as shall be offered for the same, it shall and may be lawful for the said Treasurer, by warrant under his hand and seal, to have the same valued by a jury, to be summoned and held in the manner prescribed by the laws of this Island in the laying off of jury roads; and upon payment or tender of payment of the value of the said land so to be ascertained as aforesaid, to the owner or owners thereof, or to such other person or persons as may be lawfully entitled to receive the same, the said land, and the hereditaments and appurtenances thereof, shall thereupon and for ever after become vested in his Majesty, his heirs, and successors, notwithstanding the owner or owners or other person or persons having an interest in the said land, may refuse to grant and convey the same: Provided always, that if in the appropriation of such spot of land for the purpose of this Act, it shall so diminish the lands of any person as to deprive such person of the rights and privileges of a freeholder, then and in such case the owner of such land shall continue to enjoy such rights and privileges, notwithstanding the vesting of the said land in his Majesty, his heirs, and successors.

3. And be it further enacted, That the plan of the lighthouse and the erection and works thereof, shall be wholly and exclusively under the direction and control of the said Board of Commissioners.

5. And be it further enacted, That if any person shall wilfully put out or injure the said light, or who shall wilfully destroy or injure the said lighthouse or any building belonging thereto, such person shall on conviction thereof at the Court of Grand Sessions be fined or imprisoned at the discretion of the said Court, and in case the injury or damage done to the said lighthouse or any building thereof shall not exceed the sum of twenty pounds currency, it shall and may be lawful for any two Justices of the Peace to hear and determine the same, and to impose a fine on the offender not exceeding the sum of Twenty Pounds current money of this Island, which if not paid within fourteen days the said Justices shall by warrant under their hands and seals commit the offender to the common gaol of this Island, there to be Imprisoned for Three Months unless the fine be sooner paid.

No. 94.
5 August 1836.

No. 94.

5 August 1836.]—AN ACT to License the Shooting and Killing of Birds of Passage.

Preamble.

WHEREAS it will contribute to the revenue of the Island in aid of the expenses thereof, and also prevent the indiscriminate use of fire-arms, and tend to the suppression of idleness, that licences be taken out to authorize persons to shoot at or kill any other than native birds: Be it therefore enacted by his Excellency Sir Lionel Smith, Knight Commander of the most honourable Military Order of the Bath, Governor-General and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall not be lawful from and after the passing of this Act, for any person to carry any gun or other fire-arms.

Birds of passage, unlawful to shoot at without licence.

for the purpose of shooting or killing, or to shoot at or kill by any gun or other fire-arms, any bird, other than native, except such person shall be previously furnished with a licence as hereinafter directed.

2. And be it further enacted, That within ten days after the passing of this Act, and also some time in the month of July, in each and every year, every person who may be desirous of shooting at, or killing any birds of passage for the ensuing year, shall first apply to the Treasurer of the Island for the time being, for a licence so to do; and which the said Treasurer is hereby directed to grant under his hand, and thereby to authorize such person to shoot at or kill birds of passage, until the thirtieth day of June, then next following. And which said licence shall be in the form to this Act annexed, marked with the letter A; and for every such licence, the said Treasurer shall demand and receive the sum of Twelve Shillings and Sixpence current money of this Island, in the name, and for his Majesty, to be applied to the public use of the Island. Provided always that it shall not be lawful for any person furnished with such licence as aforesaid, to enter on, or shoot over the lands of any other person, without the leave and permission of such person. And provided also, that it shall not be lawful for the said Treasurer to grant any licence for shooting as aforesaid, to any person under the years of sixteen, or who is in a state of apprenticeship, any thing to the contrary notwithstanding.

Licence to shoot to be granted by Treasurer in July annually on payment of 12s. 6d.

Proviso.

Proviso.

3. And be it further enacted, That any person who shall attempt to shoot birds of passage without such licence, or who being found sporting, or with a gun in his hand, or near by him, on any lands, for the purpose of shooting such birds of passage, and shall refuse to show and produce his licence for shooting, to any owner, attorney, manager, plantation constable or book-keeper of such lands, or to any parish officer, magistrate, constable, or policeman, on demand of the same, or who shall be convicted of shooting birds of passage without a licence on the information of any person, before any sworn Justice of the parish in which such person shall be found shooting, or with a gun in his hand, or near by him, for the purpose of shooting such birds of passage, (or if there is no sworn Justice in the said parish, before some Justice in some neighbouring parish,) he shall forfeit and pay for every such offence the sum of Five Pounds, one moiety of which shall be to the informer, and the other moiety be paid into the Treasury of this Island,—the same to be recovered as in the case of servants' wages.

Penalty for shooting without licence or refusing to show same. See Act passed 16 July 1852.

(A)

FORM OF LICENCE.

[No.]
BARBADOS.
To A. B. of the parish of _____ you are hereby licensed to shoot birds of passage from this day until the thirtieth day of June next.
Given under my hand this _____ day of _____ One thousand eight hundred and _____
C. D., Treasurer.

No. 95.

No. 95.
26 October 1836.

26 October 1836.]—AN ACT for the support of the Freeholders who may hereafter be returned to serve as Jurors at the Court of Grand Sessions, and for the support of the Marshals and Constables who may be in attendance on the said Court.

WHEREAS it is necessary that some better provision should be made for the freeholders who may hereafter be returned to serve as jurors at the

Preamble.

No. 95.
26 October 1836.

Freeholders returned
for and attending at
Grand Sessions,
entitled to 10s. per
day.

If taken sick, &c.

Clerk of Crown to
prepare a list of, and
deliver same to
Treasurer.

Marshals and Constables
to receive 3s. 1½d.
per day for attending
Grand Sessions.

Clerk of Crown to
deliver lists to the
Treasurer.

Application to
Treasurer to be made
in a month.

Court of Grand Sessions, and for the support of two Marshals and twelve Constables, who are required to attend the juries, and preserve order and decorum in the said Court: Be it therefore enacted, by his Excellency the Governor, the Honourable the Members of his Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That every freeholder who may hereafter be returned to serve as a juror at the Court of Grand Sessions, and shall there give his personal attendance, whether he be empanelled or not, shall be entitled to receive from the Public Treasury of this Island, the sum of Ten Shillings currency per day, for each and every day he was in such attendance as aforesaid; which said sum of Ten Shillings currency per day, the Treasurer of the Island for the time being, is hereby authorized and required to pay to him out of any of the public moneys in his hands.

2. And be it further enacted, That should either or any of the said freeholders be obliged, from illness or any other cause, to be allowed by the Chief Justice of the said Court, to depart the said Court previous to the expiration of the said Court, he or they shall still be entitled to receive the sum of Ten Shillings currency per day, for each and every day he or they was or were in attendance on the said Court, previous to his or her departure.

3. And be it further enacted, That the Clerk of the Crown, or his lawful deputy shall, upon the last day of the holding of the said Court, immediately before the dissolution of the said Court, prepare a true and exact list of the names of those freeholders who gave their personal attendance, and appeared to serve as jurors on the first day of the holding of the said Court; and should either or any of them be allowed by the said Chief Justice to depart the Court as aforesaid, he shall place against his or their names the number of days that he or they was or were in attendance previous to his or their departure; and to this list the said Clerk of the Crown, or his lawful deputy, shall affix his signature and deliver the same, or cause it to be delivered, to the said Treasurer, who is hereby required to take it for his guide in the payment of the moneys as aforesaid.

4. And be it further enacted, That the two Marshals and twelve Constables, who are required to attend to juries, and preserve order and decorum in the said Court, shall be entitled each to receive from the said Treasurer the sum of Three Shillings and a Penny Halfpenny currency per day, for each and every day they may be in such attendance; which sum the said Treasurer is hereby required to pay to them, out of any of the public moneys in his hands.

5. And be it further enacted, That the Clerk of the Crown, or his lawful deputy, shall in like manner, as is mentioned in the case of the freeholders, deliver to the said Treasurer a list of the names of the Marshals and Constables who may be in attendance as aforesaid, which list the said Treasurer shall take for his guide in the payment of the money as aforesaid.

6. And be it further enacted, That no applications for money granted by this Bill shall be noticed by the said Treasurer, unless made within one month after the dissolution of the said Court.

No. 96.

No. 96.
23 November 1836.

23 November 1836.—AN ACT to regulate the Trade and Business of Butchers, and to check and prevent as much as possible the stealing of Stock.

Preamble.

WHEREAS it is expedient that persons exercising the trade of butcher, by buying and killing animals, and selling them either in any house or shop or public market, should be placed under proper regulations, and should take out a licence for that purpose: Be it therefore enacted, by the

Governor, Council, and General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, every person who shall be desirous of exercising the trade of a butcher, by buying and killing animals for sale, shall produce to the Treasurer of this Island, for the time being, a certificate in writing, signed either by some Justice of the Peace, Clergyman, or Churchwarden of the parish to which he or she belongs, and has a settlement in, that he or she is of fair reputation, and a fit person to carry on the trade of butcher, and that he or she has never, to their knowledge, been convicted of any felony or misdemeanor in any Court in this Island, and if the said Treasurer shall be satisfied that such written statement or declaration bears the proper signature of such Justice of the Peace, Clergyman, or Churchwarden, by whom the same purports to be signed, he shall give to the person in whose favour the same may have been made, a printed licence, signed and subscribed and numbered by himself as Treasurer, authorizing such persons to carry on and exercise the trade of butcher, in any part of the Island, for one whole year from the date thereof, upon his or her paying for such licence the sum of Fifty Shillings current money of this Island, which sum the said Treasurer, after deducting the sum of Two Shillings and Sixpence, as a remuneration for his trouble therein, shall pay into the Public Treasury.

Butchers to produce certificate in writing and obtain annual licences on payment of 50s.

See Act passed 20 November 1848,

2. And be it further enacted, That every person so exercising the trade of butcher, shall at all times, when thereto required by any police officer, constable, Justice of the Peace, or parish officer, or the master or mistress of any house he or she shall call at, produce and exhibit his or her licence, and, in default thereof, he or she shall, on conviction before a Justice of the Peace, forfeit the sum of Twelve Shillings and Sixpence current money to be levied and raised in a summary manner as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the Public Treasury.

And produce licence if required by police officer, &c., under penalty of 12s. 6d.

3. And be it further enacted, That if any person shall, from and after the passing of this Act, exercise the trade of butcher, as aforesaid, without having obtained a licence for that purpose, in manner as aforesaid, such person shall, for every such offence, forfeit the sum of Five Pounds current money of this Island, to be recovered and applied in manner as aforesaid, and which, if not paid within fourteen days after conviction, such person shall, by warrant from under the hand and seal of the Justice before whom conviction shall take place, be imprisoned with or without hard labour in the common gaol of this Island, for any time not exceeding Thirty Days, unless the fine be sooner paid.

Penalty of 5l. for exercising trade of butcher without licence.

4. And be it further enacted, That if any person shall offer or expose for sale any tainted or unwholesome meat, or any meat inflated in the preparation in any other way than by means of a bellows, such person shall, on conviction thereof before any Justice of the Peace, forfeit the said meat, and also the sum of Twenty-five Shillings current money aforesaid, to be recovered and applied in manner as aforesaid, and which, if not paid within fourteen days after conviction, such person shall be imprisoned by warrant as aforesaid, for Seven Days, with or without hard labour, in the common gaol of this Island, unless the fine be sooner paid, and if the offender be a licensed butcher, he or she shall, in addition to such penalty, be deprived of his or her licence by order of the committing magistrate.

Unwholesome meat, or meat inflated except by bellows, penalty for exposing same for sale.

5. Provided, nevertheless, That nothing in this Act contained shall go to prevent the sale by any person, without a licence, of any slaughtered or live animal, fed, fattened, or reared, by himself or herself, and offered for sale in the public market or elsewhere, if accompanied with a proper pass or certificate from some creditable person.

Proviso.

6. And be it further enacted, That if any person shall forge any such licence to act as butcher, or any pass or certificate required by this Act, or shall wilfully and knowingly make any false statement in such licence, pass, or certificate, such person shall, on conviction before any Justice of

Forging licence or certificate, &c., penalty for.

No. 96.
23 November 1836.

Informant competent
witness, &c.

the Peace be guilty of a misdemeanor, and shall be sentenced by any two Justices of the Peace to fine or imprisonment, with or without hard labour, such fine not to exceed Ten Pounds current money, and such imprisonment not to exceed Three Months, or be indicted for the same to the next Court of Grand Sessions, then and there to be tried, and, upon conviction thereof, to be punished at the discretion of the said Court.

7. Provided always, and be it further enacted, That every informer under this Act shall be, and he or she is hereby declared to be, a competent witness in support of any complaint, which he or she may prefer against any person for violating the provisions of this Act, but, in case such complaint shall be supported by no other testimony than that of the informer, the whole of the penalty imposed on the offender shall be paid into the Public Treasury.

No. 97.
25 January 1837.

No. 97.

25 January 1837.]—AN ACT to regulate the Sale of Bread by Itinerant Vendors.

Preamble.

Itinerant vendors of
bread to take out
licence of a hawker or
pedlar,

Under penalty of 5*l*.,
&c.

WHEREAS it has been discovered that itinerant vendors of bread, exercise, in fact, the trade of hawkers and pedlars, and, therefore, should be placed under proper restrictions: Be it enacted by the Governor, Council, and General Assembly of this Island, and by the authority of the same, That from and after the expiration of fourteen days from the passing of this Act every itinerant vendor of bread within any part of this Island, shall take out licence of a hawker or pedlar agreeably to the provisions of the Act or Statute of this Island, bearing date the Seventeenth day of August One thousand eight hundred and thirty-six, entitled "An Act the better to regulate the Sale of Goods, Wares, and Merchandise by Itinerant Vendors, in and about the Roads and Streets of this Island." And for which licence there shall be paid for each several itinerant carrier of bread to the Treasurer of the Island, the sum of Twenty-five Shillings currency; and if any person from and after the time aforesaid shall carry about bread for sale within any part of this Island, without having first obtained the licence of a hawker or pedlar, in manner as aforesaid, he or she shall forfeit the sum of Five Pounds, current money of this Island, for each itinerant carrier so employed, to be recovered in a summary manner, before a Justice of the Peace, as in the case of servants' wages, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the Public Treasury.

No. 98.
25 January 1837.

No. 98.

25 January 1837.]—AN ACT to make Provision for the better Administration of Justice in this Island.

Preamble.

WHEREAS by an Act of the Imperial Parliament, passed in the sixth year of the reign of his most gracious Majesty William the Fourth, entitled "An Act to make provision for the better Administration of Justice in certain of his Majesty's West India Colonies," it is amongst other things enacted, That it shall be lawful for his said Majesty, by charters or letters patent, under the great seal of the United Kingdom, to erect, constitute, and establish, for the Islands of Barbados, Saint Vincent, Grenada, and Tobago, with their several dependencies, a superior Court of Judicature, to be styled, "The Supreme Court of his Majesty's Windward Caribbee Islands:" such Supreme Court to have and enjoy, when established, such exclusive jurisdiction within the said Islands, and governments as in the said Act is particularly set forth; and which said charters, or letters patent, are to be promulgated in the manner therein specified: And whereas it is thereby also enacted, That the said Act shall not come

into operation, nor be binding, or in force, in any of the said Islands; and that such letters patent or charters, shall not be made or issued, unless the Legislative Councils and General Assemblies of the said several Islands, shall by some Acts of Assembly, to be by them first, for that purpose, made and enacted, have provided for the repeal of all laws, usages, and customs, which might obstruct or interfere with the operation within such Islands respectively of the said Act, and of the said charters or letters patent, for constituting such Supreme Court as aforesaid.

1. Be it therefore enacted, by his Excellency the Governor, the Honourable the Members of the Council, and the General Assembly of this Island, and by the authority of the same, That all and every the Acts, Laws, Statutes, usages, and customs in force and practice within this Island, in so far as the same or any or either of them (and notwithstanding the same are not particularly mentioned and enumerated in this Act) may or can in anywise obstruct or interfere with the operation within this Island and Government of the said Act of the Imperial Parliament for the better administration of justice in certain of his Majesty's West India Colonies, and of the charters or letters patent which shall be issued in pursuance of the same, shall, and the same are hereby declared to be absolutely repealed and annulled; such repeal to take effect immediately upon the promulgation of the said charters or letters patent in this Island, and the publication in the *London Gazette* of such Order in Council, in respect thereof, as in and by the said Imperial Act is specified, and not before.

No. 98.
25 January 1837.

Local Acts interfering with Imperial Act, repealed from the promulgation of the letters patent to be granted as herein mentioned.

No. 99.

No. 99.
25 February 1837.

25 February 1837.]—AN ACT for granting a Salary to the Clerk of the Crown and Peace in this Island.

WHEREAS it is deemed expedient to grant a salary to the Clerk of the Crown and Peace in this Island in lieu of fees: Be it therefore enacted by the Governor, Council, and General Assembly of this Island, and by the authority of the same, That the Treasurer of this Island for the time being shall pay, and he is directed to pay the sum of One Hundred Pounds current money of this Island per annum to the Clerk of the Crown and Peace for the time being in this Island, by two even payments, such payments to be made within thirty days after the holding of each Court of Grand Sessions in this Island, in lieu of the fees heretofore received by him from persons brought before the Court of Grand Sessions for trial.

Preamble.
Clerk of the Crown's salary, 100*l.* per annum.

2. And be it further enacted, That no person indicted or tried at any Court of Grand Sessions in this Island shall be required to pay any fee upon his or her discharge from Court or from prison, should he or she be imprisoned by order of the said Court.

Prison fees abolished.

No. 100.

No. 100.
30 March 1837.

30 March 1837.]—AN ACT for the Relief of Insolvent Debtors within this Island.

WHEREAS the condition of insolvent debtors in this Island requires great regulation: Be it therefore enacted by the Governor, Council, and General Assembly of this Island, and by the authority of the same, That the Chief Baron and Puisne Barons of the Court of Exchequer of this Island shall be, and they are hereby constituted a Court of record, for the relief of insolvent debtors; and they, or any three of them, shall be competent to hold a Court for that purpose, and they are hereby required and empowered to hold such Court at some convenient place in Bridge-Town, in

Preamble.
Court of Exchequer to be held once a month, or oftener, for relief of insolvent debtors.

No. 100.
30 March 1837.

Insolvent debtor,
when and how to pro-
ceed to take the
benefit of the Act.

Remembrancer may
discharge debtor
from arrest, &c., on
his complying with
the within requisites.

Notice to creditors.

Oath to be adminis-
tered to insolvent
debtors.

Trustees to be
appointed for the
benefit of the
creditors.

Trustee to give bond,
&c.

the parish of St. Michael, in this Island, once in every month, or oftener if necessary, as to them may seem fit.

2. And be it further enacted, That any debtor who now is, or who may at any time hereafter be in actual confinement in any prison, or under arrest or in custody of any officer for any debt contracted by him or her, or attaching to him or her, may deliver into the Remembrancer of the said Court of Exchequer a petition in writing, declaring himself or herself to be under the cognizance and control of the said Court, and shall furnish, with the said petition, a schedule in writing, verified on oath before a Justice of the Peace, setting forth a list of his or her creditors, as far as he or she can ascertain them, and an exact account of his or her real and personal estate and income of every description, and that he or she is ready to place the same at the command of the said Court for the Relief of Insolvent Debtors, for the payment of his or her creditors, with all legal fees and charges thereon.

3. And be it further enacted, That on such application being made to the said Court by any debtor actually in confinement in any prison, or under arrest, or in custody, it shall be lawful for the Remembrancer of the said Court to fill up such petition and schedule, and to take sufficient bail or security for the personal appearance of the said debtor, and performance of his or her covenants, whenever required by the Court, and shall in the mean time discharge the body of the said debtor from imprisonment, arrest, or custody, anything to the contrary notwithstanding.

4. And be it further enacted, That upon such petition of any insolvent debtor being exhibited and filed in manner as aforesaid, the said Court shall direct notice thereof to be published in one or more of the newspapers of this Island, at least three times in each, which notice shall likewise require the attendance of the creditors before the said Court at such time and place as the said Court may appoint, not sooner than two days after the last day of publication of such notice, and it shall be the duty of the said Court, and the Remembrancer of the said Court of Exchequer, to attend at the time and place appointed, and on the appearance of the creditors, either in person or by attorney, agreeably to the notification; or on their neglect to appear, the said Court shall administer to the debtor the following oath:—

“I, A. B., do swear solemnly and sincerely, and truly declare and affirm that I will deliver up, convey, and transfer, for the use of my creditors, all my property that I have any title to, or claim any interest in, either in possession, reversion, or remainder, and all claims, rights, and credits that I have, or am in any manner entitled to, and that I have not at any time given, sold, conveyed, lessened, or disposed of, for the use or benefit of myself or any other person or persons, any part of my money or any other property, claims, rights, or credits, thereby to defraud my creditors, or any of them, or to secure the same with a view or expectation to receive any profit or advantage thereby. So help me God.”

And the said Court shall thereupon appoint such person or persons as a majority of the creditors, in value, their agents or attorneys, then present, shall recommend to be a trustee or trustees for the benefit of the creditors of the petitioning debtor, or in case of the non-attendance of the creditors, or of their not making a recommendation, the said Court shall name such person as they shall deem proper to be a trustee as aforesaid.

5. And be it further enacted, That before the said trustee shall proceed to act he shall give bond to our Sovereign Lord the King in such penalty, and with such security as the said Court shall approve, conditioned for the faithful performance of his trusts, which shall be recorded in the Remembrancer's office of this Island, and a certified copy thereof shall be received as evidence in any Court of law or equity in this Island, and the said bond may be sued in the name of the King, for the use of any person or persons who may conceive him or themselves aggrieved

by the negligence or misconduct of the trustee, and in case of the death or refusal to act of any trustee the said Court may appoint another in his place, who shall give bond in manner aforesaid.

6. And be it further enacted, That upon the petitioning debtor's executing a deed or deeds to the said trustee, conveying all his or her property, real, personal, and mixed, and all his or her claims, rights, and credits, agreeably to the oath or affirmation of the said debtor on the delivery of his or her said property, which he or she shall have in his or her possession, together with his or her books, papers, and evidence of debts of every kind to the said trustee, and the said trustee certifying the same to the said Court in writing, it shall be lawful for the said Court to make an order to the Provost-Marshal, or to the keeper of the prison in which such debtor is then confined, commanding that the said debtor shall be thenceforth discharged from his or her imprisonment, and he or she shall be immediately discharged; and the bond, if any, which may have been given for his or her appearance shall thereupon be null and void and of none effect, and the said order shall be a sufficient warrant therefor: Provided that no person who has been guilty of a breach of the laws, and who has been imprisoned for or on account of the same, shall be discharged from imprisonment by virtue of this Act: And provided likewise, that any property which the debtor may afterwards acquire (except the necessary wearing apparel and bedding for his or her family, and his tools, if a mechanic or manufacturer) shall be liable to the payment of his or her debts, anything herein to the contrary notwithstanding.

Insolvent debtors assigning over their property to trustee as herein, to be discharged, &c.

Proviso.

After-acquired property liable for debts.

7. And be it further enacted, That the said Court may allow such petitioning debtor, and his or her family, to retain their necessary wearing apparel and bedding, and if the said debtor be a mechanic or manufacturer, he may likewise retain the tools of his trade.

Debtor allowed to retain tools of trade, &c.

8. And be it further enacted, That the said Court may direct the trustee to sell and convey the property of the petitioning debtor at such time and on such terms and conditions as he shall deem most to the advantage of the creditors, and the product thereof, after satisfying all incumbrances and liens according to their priority, shall be divided among the creditors in proportion to their respective claims, and no process against the real or personal property of the debtor shall have any effect or operation except process of execution and attachment in the nature of execution, which shall have been put into the hands of the Provost-Marshal antecedent to the application, and the petitioning debtor shall cause notice of the application to be served on all the said creditors.

Court may direct trustee to sell debtor's property. Incumbrances to be paid according to priority. What process shall effect the real or personal property of debtor. Petitioning debtor to cause notice of application to be served on creditors.

9. And be it further enacted, That any trustee may sue in his own name for any property or thing in action assigned to him by virtue of this Act.

Trustee may sue in his own name.

10. And be it further enacted, That if any creditor at any time within two years after the application of such debtor, shall allege in writing to the said Court that such debtor had at the time of his application as aforesaid, directly or indirectly conveyed, lessened, or disposed of any part of his property, rights, or credits, with intent to defraud his creditors, or had at any time by gaming lost any sum of money whatever, or had assigned or conveyed any part of his property, rights, or credits, with intent to give a preference to any creditor or creditors, or any surety, the said Court shall thereupon order notice of such allegation to be given in writing to the debtor, and upon his or her appearance before the said Court, or on his or her neglect to appear after proof that notice has been served, the said Court shall, within a reasonable time, examine the debtor or any other person upon interrogatories on oath, touching the substance of such allegation, or may direct any issue or issues to be tried in a summary way, without the form of an action, to determine the truth of the same, and if upon the answer to the said interrogatories, or upon the trial of the issue or issues, such debtor shall

Debtors, guilty of fraud, or losing money by gaming, or giving preference to creditors, precluded the benefit of this Act.

No. 100.
30 March 1837.

Swearing falsely, how
punished.

Court may allow a
commission to trustee,

—make rules, &c.,
and remove trustee,

—may limit time for
creditor, to bring in
claims to trustee.

May examine debtor
and creditor respect-
ing contested claims,
direct an issue or
appoint arbitrators to
settle claims, &c.

Creditors colluding
with debtors to lose
their claims.

Debtor relieved by
this Act and taken in
execution or arrested
for any debt, &c.,
due before his dis-
charge, may be set at
liberty, &c.

Proviso.

Certificate of dis-
charge of debtor to be
recorded, and a copy
declared evidence.

be found guilty of any fraud or deceit towards his or her creditors, or of having lost by gaming as aforesaid, or of having given any preference as aforesaid, he or she shall be precluded from any benefit under this Act, and in case such debtor or any other testifying either for or against him or her shall be hereafter convicted of falsely, wilfully, or corruptly swearing or affirming to any thing or matter by virtue of this Act, he or she shall suffer as in the case of wilful perjury, and upon such conviction of the debtor, or any person testifying for him or her, he or she shall be for ever precluded from any benefit under this Act.

11. And be it further enacted, That the said Court charged with the execution of this Act may, in the respective cases which may be brought before it, allow the trustee a commission not exceeding five per cent. for his trouble on the amount of debts paid by him, and if any complaint shall be made to the said Court of the misconduct of any trustee by any creditor, or by the debtor, the said Court may call such trustee before it, and inquire in the cause of complaint, and may make such rules and orders it may think proper for the accomplishment of the object of the trust, and may in its discretion remove such trustee and appoint another in his place.

12. And be it further enacted, That the Court may by order limit and appoint a time for creditors to bring in and exhibit their claims to the trustee, and if the said trustee should think proper to contest any claim exhibited against the debtor, it shall be his duty to report the same to the said court, who may examine the creditor and debtor upon oath respecting the same, and may submit to a jury such issues as shall be proper to settle the points in contest, or may appoint two indifferent persons to act as arbitrators between the parties, and a power if they differ to choose an umpire, and a decision thus made shall be final between the parties, and the said Court may order any part of the debtor's estate to be set apart and retained for the eventual satisfaction of any contested claim or to be brought again into distribution; and if any creditor to whom a debt is due shall collude with a debtor to give any undue preference or for the concealment of any part of the debtor's estate or effects, or shall contrive or concert any acknowledgment of the debtor by parole or in writing to give false colour to his claim, such creditor shall lose the whole of his debt.

13. And be it further enacted, That if any debtor who shall have been relieved under this Act shall be arrested or imprisoned on any process sued out on any judgment or decree obtained against him for any debt, damages, or costs contracted, owing or growing due before his or her discharge as aforesaid, the Court before whom such process shall be returned or returnable, or any Judge, shall discharge such debtor, and if such debtor shall be arrested or imprisoned, or any process for the recovery of any debt, damages, or costs contracted owing or growing due before his discharge as aforesaid, the Court before whom such process is returned or returnable, or any Judge, shall discharge such debtor out of custody on his common appearance being entered without special bail. Provided, and it is the true intent and meaning of this Act, that no discharge whatever under this Act shall be construed and taken as a discharge of any other person from any debt contracted or engagement of any kind or nature whatsoever.

14. And be it further enacted, That when the said Court shall as above prescribed give to the Marshal an order for the discharge of a debtor, it shall be the duty of the Court to order the Remembrancer of the said Court to make a certificate in his office, and on the records of the said Court in the following words, viz. :—

“I do hereby certify that I have this day ordered the said Marshal to
“discharge from imprisonment A. B., an insolvent debtor, agree-
“ably to an Act of this Island, entitled ‘An Act for the Relief
“of Insolvent Debtors within this Island.’”

Which Certificate shall be recorded by the said Clerk in his said office,

and a certified copy thereof shall be received as evidence in any Court of this Island.

15. And be it further enacted, That the application of the debtor, the appointment of the trustee, the deed from the debtor to the trustee, the several claims exhibited to the trustee, and the amount of sales of the debtor's property, shall be recorded in the said Remembrancer's office, certified copies of which shall be received as evidence in any Court of this Island, and the said Remembrancer shall receive the same fees as are fixed by law for the like services in other cases, to be paid by the said trustee, out of the first proceeds of the debtor's estate that may come into his hands.

No. 100.
30 March 1837.
Application of debtor and proceedings of trustee to be recorded.

16. And be it further enacted, That the Commissioners for the gaol shall, by a general order to be entered on their record, fix the daily allowance for the support and maintenance of prisoners in execution for debt, or damages in civil suits, which allowance the said Commissioner may, by a like general order, increase or diminish from time to time, as circumstances may require, and no person taken in execution for debt, or damages in a civil suit shall be detained in prison therefor, unless the creditor, his or her agent or attorney, shall after demand thereof by the Marshal, pay or give such security as he may require to pay such daily allowance, and the said creditor shall have the prior lien on the estate and effects of the debtor for all sums of money paid for such daily allowance: Provided that a release from prison for want of such payment or security shall not discharge the debt, but the body of the debtor shall never be again taken in execution: Provided always, that no debtor shall be entitled to any such daily allowance unless he or she shall make oath before the said Provost-Marshal (and which oath the said Provost-Marshal is hereby authorized to administer) that he or she is wholly unable to feed himself or herself whilst in prison.

Insolvent debtors unable to find themselves in prison, how provided for.

17. And be it further enacted, That the provisions of this Act shall not be construed to extend to any debtor who is or shall be imprisoned at the suit of the King.

Act not to apply to Crown debtors.

No. 101.

No. 101.
23 May 1837.

23 May 1837.]—AN ACT to grant to the Subscribers for erecting an Ice House, a sufficient spot of Land on the Pier-head for effecting that purpose.

WHEREAS a certain portion of land, not exceeding three thousand square feet, belonging to this Island, situate above the pier-head, is altogether useless, and it is expedient to grant a portion of the same for the purpose of erecting an ice-house thereon: Be it, therefore, enacted by his Excellency the Governor, the Council, and Assembly of this Island, That it shall be lawful for the Mole-Head Committee to grant unto the subscribers for erecting an ice-house, and they are hereby authorized and directed to grant and convey in fee simple, by such conveyance made as to them shall seem best, such sufficient spot of land situate above the pier-head, and fronting the carenage or river, as shall be required for the purposes aforesaid. Provided always that in case the said ice-house shall cease to be used as an ice-house, or be demolished, and not rebuilt within three years after such demolition, that the land whereon the same shall have been built, shall thereupon revert to and become vested in the said Mole-Head Commissioners as if the Act had never passed.

Preamble.

No. 102.

No. 102.
27 June 1837.

27 June 1837.]—AN ACT to encourage the Planting of Cotton.

WHEREAS the Act of this Island to encourage the planting of cotton, hath expired; and whereas it is still deemed expedient to encourage the honest

Preamble.

No. 102.

27 June 1837.

See Act of 11 January 1865.

Eight Inspectors of Cotton to be appointed as herein.

Cotton grown here not to be exported previous to inspection as herein.

Proof required.

Inspector's fee.

Stolen cotton brought to be inspected, how to be dealt with.

Swearing falsely before Inspector, perjury; and Inspector bound to prosecute.

planter of cotton : Be it, therefore, enacted by the Governor, Council, and General Assembly of this Island, and by the authority of the same, That competent persons be appointed from time to time, as Inspectors of Cotton, by the Governor or Commander-in-Chief of this Island for the time being; that is to say—for Bridge-Town two; for Speight's Town one; for Sherman's Bay one; for Six-Men's Bay one; for Hole-Town one; for Oistin's-Town one; for the Crane one: which said Inspectors shall keep an office in the town or place for which they shall be appointed Inspectors; and they or one of them shall daily attend at their respective offices, with proper scales and weights, from eight o'clock in the morning until twelve o'clock at noon, Sundays, Christmas-days, and Good-Fridays excepted.

2. And be it further enacted, That it shall not be lawful to export from this Island, any cotton, the growth and produce of this Island, unless the same hath been previously inspected, marked, and numbered by some one of the Cotton Inspectors, appointed under this Act, and a certificate thereof obtained from such Inspector, and lodged with the Treasurer of the Island, who is hereby strictly enjoined not to grant a clearance to any vessel having cotton on board. the growth and produce of this Island, unless a certificate be lodged in his office of the same being duly inspected.

3. And be it further enacted, That whenever cotton shall be produced to any Inspector for inspection, the owner thereof, or his or her attorney, or overseer, or in case of sickness some person in his or her behalf, shall make oath before the said Inspector, and which oath the said Inspector is authorized to administer, that the cotton produced for inspection is *bond fide* the property of himself or herself, or of the person in whose behalf he or she may appear, and that the same was duly and fairly reaped from his or her lands, or from the lands of such other person as the case may be; and that no part of the said cotton hath been before inspected, or been obtained by purchase or otherwise, from any person whomsoever. And for all cotton so inspected, the Inspector thereof shall be entitled to demand and receive from the owner of the same, at and after the rate of one shilling for every one hundred pounds, and so in the like proportion for any greater or lesser quantity; and unless the same be first paid the said Inspector shall not be compelled to grant such certificate as aforesaid.

4. And be it further enacted, that whenever stolen cotton shall be brought to any Inspector for inspection, he shall seize the same, and if the owner thereof cannot be found, the said Inspector is hereby authorized and directed to sell the said cotton at the expiration of one calendar month after the seizure, and to grant a certificate of inspection to the purchaser, and the said Inspector is hereby directed to pay three-fourths of the money to arise by the sale of all such cotton into the Public Treasury, and to retain the other fourth to his own use for the trouble therein. But if the owner or owners of any such stolen cotton shall be discovered, the same shall be restored to him, her, or them, by the Inspector making the seizure.

5. And be it further enacted, That if any person shall wilfully swear falsely, in any oath taken before any Inspector of Cotton, he or she shall be deemed guilty of perjury, and on conviction thereof at the Court of Grand Sessions, shall suffer the pains and penalties of perjury. Provided always, and it is hereby declared to be the duty of every Cotton Inspector, upon pain of losing his office, to prosecute to conviction every person whom he shall know to have sworn falsely, under this Act; and the Treasurer of the Island for the time being, is hereby directed and required to defray the expense of every such prosecution out of the Public Treasury.

No. 103.

No. 103.
5 September 1837.

5 September 1837.]—AN ACT to establish a Standard Measure for the admeasurement of White or Building Lime.

WHEREAS there is no legal standard for the admeasurement of white or building lime, in consequence of which, the honestly disposed dealer in that article is unable to compete on fair terms with persons of a contrary character: Be it, therefore, enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor of this Island, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall not be lawful for any person or persons, from and after the expiration of ten days after the passing of this Act, to sell or offer for sale any white or building lime, by any other measure than that of a bushel tub, bearing the stamp of the Clerk of the Market, which said Clerk of the Market is hereby authorized and required to stamp all such bushel tubs as may be produced to him by any person for that purpose.

Preamble.
Lime to be sold by the bushel tub stamped

2. And be it further enacted, That if any person shall, after the time aforesaid, sell, or offer for sale, white or building lime in any other measure or vessel than a legally stamped bushel tub, such person shall, for every such offence, forfeit the sum of Five Pounds current money of this Island, to be recovered before a Justice of the Peace, as in the case of servants' wages, one moiety thereof to be to the informer, and the other moiety to be paid into the Public Treasury.

under a penalty of 5l.

No. 104.

No. 104.
16 September 1837.

16 September 1837.—AN ACT to vest the Walls of Clarendon Fort, in the Parish of St. James, and the Lands thereto belonging, in the Rector, Churchwarden, and Vestry, for the time being, of the said Parish of St. James, for the purpose of building a Chapel and School House thereon.

WHEREAS the remains of an old and dilapidated battery, commonly known by the name of Clarendon Fort, situate on the road leading from Hole-Town to Speight's, are altogether useless, and it is deemed expedient to grant the same for the purpose of erecting thereon a chapel for religious worship, with school-house attached: Be it, therefore, enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor of this Island, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that it shall be lawful for the Commissioners of Fortifications to grant unto the Rector, Churchwarden, and Vestry, for the time being, of the parish of St. James, and they are hereby directed to grant and convey in fee simple, by such conveyance made as to them shall seem best, the walls of the said fort or battery known by the name of Clarendon Fort, and the lands thereto belonging, for the purposes aforesaid: Provided always, that in case the chapel to be erected thereon shall cease to be used as a place of religious worship, or instruction, or be demolished, and not rebuilt within three years after such demolition, that the land whereon the same shall have been built, shall thereupon revert to and become vested in the said Commissioners of Fortifications, as if this Act had never been passed.

Preamble.

No. 105.

No. 105.
25 October 1837.

25 October 1837.]—AN ACT to increase the number and efficiency of the Mounted Militia of this Island.

1. Be it enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor, the Honourable the Members of Her Majesty's

Preamble.

No. 105.
25 October 1837.
Life Guards, their
number.

Council, and the General Assembly of this Island, and by the authority of the same, That the commanding officer of the corps of Life Guards shall be at liberty to enrol one hundred and twenty privates, and not less than five non-commissioned officers, to serve in the said corps, and that the number of commissioned officers shall be six as hitherto, holding such rank in the Militia of this Island as the Governor or Commander-in-Chief for the time being shall appoint; and that the officers, non-commissioned officers, and privates of the said corps shall be dressed, armed, and accoutred in such manner as the Governor or Commander-in-Chief of this Island shall direct, who is hereby humbly requested to signify his pleasure therein as soon as convenient after the passing of this Act; and such dress, arms, and accoutrements, when once appointed, shall not afterwards be altered without the consent of the Legislature of the Island.

Commanding officer
to call out corps for
ordinary parade not
less than 12 or oftener
than 20 times per
annum, under a
penalty.

Hours and time of
parade.

Proviso.

2. And be it further enacted, That it shall be the duty of the commanding officer of the said corps, and he is hereby required under a penalty of Ten Pounds current money of this Island, to call out the said corps for ordinary parade and practice on not less than twelve nor oftener than on twenty days, within any period of twelve months; and that such ordinary parade and practice shall be performed between the hours of six and nine o'clock in the morning, or between the hours of four and half-past six o'clock in the evening, as the said commanding officer shall from time to time think proper, giving proper and timely notification thereof to the officers, non-commissioned officers, and privates of the said corps: Provided nevertheless, that the said corps shall be exempted from being called out for the purpose of ordinary parade and practice during the months of July, August, and September: Provided also, that the Governor or Commander-in-Chief of this Island, may at any time he may think proper, order out the said corps of Life Guards to escort him as a guard of honour upon any public occasion, or for the honourable reception of any Governor or Personage of high rank, and also upon any other extraordinary public occasion, when it shall seem expedient to him so to do.

Fines and penalties
for non-attendance.

3. And be it further enacted, That the officers, non-commissioned officers, and privates of the said corps, shall be liable to, and shall incur the following fines for non-attendance without a sufficient legal excuse, or for being unduly equipped, when ordered out by the Governor or Commander-in-Chief, as authorized by the said last clause, or by the commanding officer of the said corps for ordinary parade and practice; that is to say, each field officer shall forfeit and pay the sum of Five Pounds current money of this Island, each Captain the sum of Three Pounds Fifteen Shillings, the Cornet the sum of Two Pounds Ten Shillings, each non-commissioned officer the sum of One Pound Ten Shillings, and each private the sum of One Pound Five Shillings; to be levied and raised on complaint of the commanding officer for the time being, as in the case of servants' wages, and such fines to be applied by the commanding officer for the use of the corps: Provided nevertheless, and be it enacted, That every such fine shall be doubled for a second non-attendance in succession, and trebled for a third non-attendance in succession; and in case any officer or private shall be absent from parade more than three successive times, without a sufficient legal excuse, he shall cease to belong to the said corps, and the commanding officer of the said corps is hereby directed to strike his name out of the roll of the said corps, and to give the name in to the commanding officer of the parish to which such absentee shall belong, under a penalty of Ten Pounds, to be paid by such commanding officer, to be recovered as servants' wages, half to the informer, and half for the use of the said corps.

Illness of horse an
excuse.

4. And be it further enacted, that in addition to the excuse now allowed by law for absence from militia duty, the *bona fide* illness at the time of the horse used in the said corps by any officer, non-commissioned officer, or private, shall be a sufficient excuse, the same being proved on

oath to the satisfaction of the commanding officer of the said corps for the time being: Provided always, that no person shall belong to the said corps who is not the *bonâ fide* owner of a horse; and in order that the troop may be properly mounted, no horse shall be used therein which shall be objected to by the commanding officer of the said corps, who shall, however, specify the cause for such objection.

No. 105.
25 October 1837.

No. 106.

No. 106.
22 December 1837.

22 December 1837.]—AN ACT to provide for the safe keeping of the Registers of the several Parishes of this Island.

WHEREAS the registers of the births, marriages, and deaths of the inhabitants of the several parishes of this Island, have been and are exposed to injury and destruction for the want of a secure and proper place in the several churches of this Island to deposit the same; and whereas the claims of relationship, and the rights of property are involved in the preservation of these records: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Churchwardens of the several parishes are hereby empowered, directed, and required, to provide at the expense of their respective parishes, with as little delay as possible, a wrought-iron safe for each of their parish churches, for the secure and proper keeping of the registers of the several parishes of this Island, and to have the same put in some fit and proper place in their respective parish churches.

Preamble.

Iron safes to be provided for preserving registers of births, &c.

No. 107.

No. 107.
24 February 1838.

24 February 1838.]—AN ACT to authorize the appointment of a Gauger for each of the Shipping Places called Sherman's Bay and Six-Men's Bay.

WHEREAS it is deemed expedient to appoint a gauger for each of the shipping places called Sherman's Bay and Six Men's Bay: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor, and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that it shall and may be lawful for his Excellency the Governor, or the Commander-in-Chief of this Island, to nominate and appoint a gauger for each of the shipping places called Sherman's Bay and Six-Men's Bay; and the persons so to be appointed gaugers, under the authority of this Act, shall be entitled to demand and receive the like fees as gaugers are by law authorized to receive for the gauging of casks.

Preamble.

No. 108.

No. 108.
6 March 1838.

6 March 1838.]—AN ACT to confirm and establish certain Laws and Regulations for the Government of the Police already established in Speight's-Town.

WHEREAS it is highly necessary and expedient that certain laws and regulations should be rendered applicable to Speight's-Town, in the parish of St. Peter, for the good government of the same, and of the police therein established:

1. Be it therefore enacted, by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor, the Honourable the Members of her

No. 108.
6 March 1838.

Distilleries, foundries,
smithies, smelting-
houses, bake-houses,
kitchens, regulations
respecting.

Superintendents of
Police, their duties
relating thereto.

Distilleries, foundries,
smithies, smelting-
houses, and bake-
houses, to be swept
daily. Penalty.

Chimneys to be swept
every two months.
Penalty.

Idle and disorderly
persons, how
punished.

May be examined on
oath.

Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, from and after the passing of this Act, the following laws and regulations shall, and they are hereby declared to be in full force and effect.

2. And be it further enacted, That in every distillery, foundry, smithy, smelting-house, or bake-house, and also in every kitchen attached to every dwelling-house already established or built, or to be hereafter established or built, there shall be a proper and sufficient fire-place enclosed with brick or stone walls, and provided with a chimney of sufficient height of brick or stone; and the floors of every such distillery, smithy, foundry, smelting-house, or bake-house, shall be made of bricks, tiles, stones, or earth; and in case such distilleries, foundries, smithies, smelting-houses, or kitchens already built, such fire-places, chimneys, and floors, shall be completed within three months from and after the passing of this Act, and be subject to the inspection and approval of the Police Magistrate for the Town of Speight's. And it shall be the duty of the Superintendent of Police on duty in Speight's-Town, to ascertain the number of distilleries, foundries, smithies, smelting-houses, or bake-houses within the said town, and it shall be lawful for such Superintendent of Police to inspect the same, and also the chimneys and kitchens at seasonable hours, and report the state thereof to the said Police Magistrate; and in case such Police Magistrate shall think any alteration or addition necessary to render any such distillery, foundry, smithy, smelting-house, bake-house, or chimneys of any kitchen, conformable to the foregoing regulations, such alteration or addition shall be made and completed by the person exercising or carrying on such distillery, foundry, smithy, smelting-house, or bake-house, or by the owner of such kitchen, within one calendar month after receiving an order or notice in writing from such Police Magistrate for that purpose, and, in case of neglect to comply with such notice, the person receiving the same, and continuing to exercise any of the said trades therein, or the owner of such kitchen, shall incur a fine not exceeding Ten Pounds, and a further penalty of One Pound Five Shillings for every succeeding month that any such distillery, foundry, smithy, smelting-house, bake-house, or kitchen shall be used after the period at which the first fine shall be incurred, until the order of the said Police Magistrate shall be complied with. And every such distillery, foundry, smithy, smelting-house, or bake-house shall be swept or cleansed of all shavings and combustible matter every day, on leaving off work, under a penalty not exceeding Twelve Shillings and Sixpence, to be paid by the person exercising or carrying on such trades, or by the person or persons for whose benefit the same shall be carried on, in the discretion of the said Police Magistrate. And the chimneys of all distilleries, foundries, smithies, smelting-houses, or bake-houses, and of all kitchens belonging to any dwelling-house or building within the limits of the said town, shall be swept once in every two months, under a penalty of Twelve Shillings and Sixpence for every omission.

3. And be it further enacted, That every idle or disorderly person apprehended for disturbing the public peace, shall, on conviction, be adjudged to pay a fine not exceeding Five Pounds, or be Imprisoned with or without hard labour, not exceeding One Month, at the discretion of the said Police Magistrate. And it shall and may be lawful for the said Police Magistrate, and he is hereby required, when any idle or disorderly person shall be brought before him suspected of any evil design, to inform himself touching the same, by the examination, upon oath, of any person or persons: and for the purpose of obtaining a knowledge of the condition and circumstances of every such suspicious person, it shall and may be lawful for such Police Magistrate to examine every such person upon oath, and every such suspicious person so examined, who shall give a false account of himself or herself, shall be liable to be

No. 108.
6 March 1833.

Imprisoned for any time not exceeding One Month, and worked on the roads or streets of the town, or public works if so ordered.

4. And be it further enacted, That any person dealing with any carter in charge of any waggon, cart, or crank drawn by cattle, horses, mules, or asses, shall forfeit and pay a sum, not exceeding Twenty Shillings. Provided that nothing in this clause shall extend to the dealing with carters, who shall, or may be authorized, by a written licence from their employers, to sell horse-meat, or any other article; and it shall be lawful for any police officer to search any waggon, cart, or crank, and to seize any canes, wood, or any other articles therein, which he may suspect to have been stolen, and to take the same to the police office in Speight's Town, and, unless it should be made to appear to the Police Magistrate that such articles have been lawfully come by, he shall condemn the same as forfeited, and order the same to be sold, and the nett proceeds paid to the seizing officer.

Carters, in charge of carts, &c., penalty for dealing with.

Proviso.

5. And be it further enacted, That from and after the passing of this Act, no person whatsoever shall purchase any ground provisions, grain, wood, garden-stuff, poultry, pigs, or other commodity, or article of sale whatsoever, which shall be coming to market in the said town, before the same shall be brought into the public market, with the intent to sell, or retail the same again. And it shall be lawful for any police-officer to seize on any such article or articles which he may have cause to suspect have been purchased on the roads or in the streets, on their way to market, and to carry the same before the said Police Magistrate, who is hereby required to inquire into the case, and if it shall happen that the said articles were purchased to sell again, contrary to the intent and meaning of this Act, then the party so offending, on conviction thereof on the oath of some credible witness, shall, for every such offence be liable to a fine not exceeding Fifty Shillings. Provided, nevertheless, that nothing in this Act contained shall extend to prevent persons lawfully purchasing articles from any plantation or places, and bringing the same to market. And provided that this clause shall not be in full force and effect until the Vestry of the parish of St. Peter shall have provided a market-place, and of which due notice shall have been given, twenty-one days, by publishing the same in one or more of the public papers of the Island. And the Vestry of the said parish of St. Peter are hereby required to provide a market-place, and they are hereby authorized and empowered to select any spot of land within the limits of the said town, either by purchase or rent, and the same shall be deemed and considered the public market, subject to the rules and regulations as aforesaid; Provided that no toll be demanded or taken, unless the said market be legally established by some law for that purpose made and provided.

Forestalling, penalty for.

Proviso.

6. And be it further enacted, That it shall not be lawful for any person, after the hour of six o'clock in the evening, or before the hour of six o'clock in the morning, to bring into the said town, any ground provisions, grain, wood, garden-stuff, poultry, pigs, corn, meat, canes, cane tops, or other kinds of grass, under pain of forfeiting the same, and all police-officers and constables are hereby authorized and required to apprehend all persons who shall bring the same into the said town, after or before such hours as aforesaid, and take the person or persons so apprehended with the articles aforesaid, so brought into town, to the station house, and detain such person or persons in custody, until such time as such person or persons can be brought before the said Police Magistrate, at the police-office, and he is hereby authorized and required to condemn all such articles as forfeited, and to direct the same to be sold by a police-officer or constable, and the proceeds thereof given to the officer by whom such seizure was made, and the said Police Magistrate is also hereby authorized and required to examine the person or persons so apprehended or brought before him, on oath, touching their situation or calling, and the place of his, her, or their residence, and either to dismiss such person or persons, or deal with him, her, or them, according to law.

What articles not to be brought to town before six in the morning, or after six in the evening.

Penalty.

No. 108.
6 March 1838.

Houses, &c., rules as
to the building of, &c.

7. And be it further enacted, That no house, storehouse, kitchen, stable, or building whatsoever shall be erected within the limits of Speight's-Town, or within three hundred yards of such limits, otherwise than with such materials, and in such manner as hereinafter mentioned, and any person who shall presume to build contrary to the regulations contained in this Act, shall be warned by the Superintendent of Police on duty in the said town, to remove or alter the same to agree with the said regulations, and on refusing so to do, shall incur a fine of Twenty Pounds, and such building shall be deemed a common nuisance, and the builder or owner thereof shall, within such time as shall be appointed, by order of the said Police Magistrates, remove the same, and, in default thereof, such house or building shall be taken down, by order of the said Police Magistrates, and the materials thereof sold by public auction by any constable or police officer, and after payment of the expenses attending the taking down of such house or building, and the fines and fees of the complaint (in case such fine and fees shall remain unpaid), the balance shall be paid to the owner of such house or building. Provided always, that nothing in this clause contained shall extend to hinder the repairing of any house already constructed, or to any house in progress of building contrary to this Act. The outside of all buildings hereafter to be erected in the town, or within three hundred yards of the limits of the same, shall be made of brick or stone, or bricks and stones together, or brick or stone nogged, except balconies, and the frames of doors and windows; and any Superintendent of Police who shall connive at, or suffer any house or building to be erected in the said town, contrary to the preceding rules, without giving information thereof to the said Police Magistrate, shall forfeit the sum of Twenty Pounds for every building so erected.

Streets to be swept
every morning.
Penalty.

8. And be it further enacted, That the occupant of every house, store, or shop within the limits of the said town, from and after the passing of this Act, shall, by or before the hour of ten o'clock in the morning of every day, sweep or cause to be swept away or removed, any dirt, filth, or rubbish, which may have been suffered to accumulate before any part of such house, store, or shop, within the space or interval between the same and the centre of the street or lane, streets or lanes, in which such house, or store, or shop may be situate, under a fine of Two Shillings and Sixpence for every offence. And that any person who shall throw or place any filth or rubbish in any street or lane, or before the house or building of any other person, shall incur a fine not exceeding Twelve Shillings and Sixpence for every such offence, besides the expense of removing it, or be imprisoned with or without hard labour for any time not exceeding Seven Days. And that no person shall carry through any of the streets, lanes, alleys, or passages within the limits of the said town, any tubs or vessels with any night-soil, before the hour of nine o'clock in the evening, or after the hour of five o'clock in the morning, under a fine not exceeding Ten Shillings for every such offence, or Imprisonment with or without hard labour, not exceeding Three Days, on the public works or streets of the said town, at the discretion of the said Police Magistrate; and all such fines as shall or may be incurred by virtue of this clause shall be paid over to the Commissioners of the Roads for the parish of Saint Peter, to assist in repairing and making good the streets of the said town.

Hogs, sheep, goats,
penalty for suffering
same to go at large.

9. And be it further enacted, That all hogs, sheep, or goats, which may be found going at large, or straying in any of the streets or lanes of the said town, shall be taken up and impounded by the police officers in any place that shall be hereafter appointed for that purpose, and the owner of every such hog, goat, or sheep so impounded, shall pay to the said police officer, the sum of One Shilling and Sixpence Three Farthings for taking up every such hog, goat, or sheep, and the like sum for impounding every such hog, goat, or sheep, and the sum of Threepence per day for feeding the same; and in case such hog, goat, or sheep be not claimed and redeemed by, or on behalf of the owner thereof, within one

week, the Superintendent of Police on duty in the said town, shall cause the same to be sold at the pound by public auction, for ready money, and after deducting all expenses for taking up and impounding, and feeding the same, the remainder of the proceeds, if claimed by the owner of any such hog, goat, or sheep, at the time of such sale, shall be paid over to him or her, but if unclaimed at such time, the same shall be paid over to the Treasurer of the Island; and in case any hog, goat, or sheep being found in any of the streets, lanes, or alleys of the said town, and being pursued, shall escape into, and take refuge into any house, place, yard, or other premises within the limits of the said town, or within one mile thereof, the person or persons in the possession or occupation of any such house, place, yard, or premises, shall immediately, on application for that purpose by any police-officer or constable, quietly give up possession thereof, or permit such police-officer or constable to enter and seize the same, under the pain of forfeiting, a sum not exceeding Twenty-five Shillings. Provided, nevertheless, that if the hog, goat, or sheep shall be the property of the party in possession of such premises, such party shall be allowed to retain the same, upon paying One Shilling and Sixpence Three Farthings to the police officer; and it shall not be lawful for any person to graze any horse, mare, gelding, ass, mule, cow, sheep, goat, or pig, in any of the streets, lanes, or alleys of the said town, under a penalty of Three Shillings and One Penny Half-penny. And it shall not be permitted for any dogs to infest the streets of the said town; and every person who shall permit or suffer any dog, belonging to him or to her, to go at large in any street, alley, or lane, of the said town, or within three hundred yards of the limits of said town, without being properly muzzled, shall incur a fine not exceeding Ten Shillings for every such offence; and every dog found going at large in any street, lane, way, alley, or public place in the said town, before five o'clock in the morning, or after eight o'clock at night, shall and may be killed by any police-officer, and the said police-officers, and each and every of them are hereby directed and required to kill and destroy all dogs that shall, at any time, be found in the market-place.

Dogs, penalty for suffering them to go at large.

When they may be killed.

10. And be it further enacted, That it shall not be lawful for any person to fire off or discharge any gun, pistol, or other fire-arms in the town (except in case of alarm, or other such lawful or necessary occasion), and every person so offending shall incur a fine not exceeding Twenty-five Shillings, or Imprisonment not exceeding Ten Days.

Guns, pistols, &c., not to be discharged in town. Penalty.

11. And be it further enacted, That, from and after the passing of this Act, no horse, mule or beast of any kind shall be broken in within the limits of the said town, nor shall any horse, mule, or other beast be ridden or driven furiously or excessively in any street, way, lane, or other place, within the limits of the said town, and every person who shall offend therein, shall, for every such offence, incur a penalty not exceeding Five Pounds currency, and in default of payment, to imprisonment not exceeding One Month, unless the fine be sooner paid. And all persons driving or riding through the streets of the said town, are directed to keep to the left side of the street or way, on meeting with any other person riding or driving, and any person who shall cause any damage to any other person by a breach of this regulation, shall be liable to make good the same to the party damaged, on complaint before the said Police Magistrate by such party. Provided the said Police Magistrate shall not be authorized to give judgment in favour of the complainant, in any case, for any sum exceeding Twenty-five Pounds. And any person or persons having in charge any cart, waggon, crank, truck, or wheelbarrow, who shall quit or leave the same unattended in any of the streets, alleys, or lanes of the said town, so as to obstruct or impede the passage thereof, he or they, on complaint being made before the said Police Magistrate, shall be liable to a penalty not exceeding Ten Shillings, or imprisonment not exceeding Three Days, with or without hard labour, at the discretion of the said Police Magistrate. And it shall not be lawful

Horses, &c., not to be broken in the streets, furious driving, &c.

The left-hand side of the street to be kept, &c.

Carts, &c., penalty for leaving same unattended, &c.

Kites, penalty for flying same, &c.

No. 108.
6 March 1838.

Clothes, penalty for
exposing same on
hedges, &c.

Mobs to be dispersed
by the police, &c.

Indecent exposure,
bathing in the sea,
&c. Blackguarding,
swearing, quarrelling,
&c. Penalty.

Nuisances affecting
the health and clean-
liness of the town,
punished summarily.

for any person whatsoever to fly a kite of any description within the limits of the said town, or within three hundred yards of such limits; and in case any person shall be found flying a kite, or about so to do, within the limits of the said town, or within three hundred yards thereof, every such person shall and may be apprehended by any police officer, and shall be liable to pay a fine not exceeding Ten Shillings, or imprisonment not exceeding Three days, with or without hard labour, at the discretion of the said Police Magistrate, and the police-officers are authorized and required to destroy all such kites; nor it shall be lawful to expose any clothes on hedges, paling, or other public places, within the limits of the said town, under a penalty of Ten Shillings, or imprisonment not exceeding Three Days, with or without hard labour.

And be it further enacted, That every police officer or constable is hereby required to disperse all mobs in any of the streets, lanes, or alleys, of the said town, and if any person or persons in such mob shall refuse to disperse on being required so to do, or shall use any threatening or insulting language to any police officer or constable when required to disperse, it shall be lawful for every such police officer or constable to apprehend every such person, and bring him or her before the said Police Magistrate, who is hereby required to impose a fine not exceeding Five Pounds on such offender, or imprisonment not exceeding One Month, with or without hard labour.

And be it further enacted, That all persons being guilty of indecent exposure of their persons in the said town, or bathing in the sea or in any of the ponds or streams within the limits of the said town, so as to be guilty of such indecent exposure, and all persons blackguarding, swearing, gambling, quarrelling and making a disturbance, or annoying noise in any of the streets, lanes, public places, or ways in the said town, may be apprehended by a police officer or constable, and taken before the said Police Magistrate, who is hereby empowered, at his discretion, to impose a fine on every such person, not exceeding Twenty-five Shillings, or to commit any such person to prison for any time not exceeding One Week, with or without hard labour, for every such offence.

14. And be it further enacted, That any nuisance, of whatsoever nature, which may be prejudicial to the health and cleanliness of the said town, or of its inhabitants, may and shall be deemed a just cause for complaint before two magistrates, and they are hereby required to afford relief or redress to any householder making complaint of the same, and in case of contumacy on the part of the offender, he or she shall, on a further complaint, be subject to a penalty not less than Five Shillings, and not exceeding Fifty Shillings, and in default of payment, to imprisonment for any time not exceeding One Month at the discretion of the Magistrates.

No. 109.
6 March 1838.

No. 109.

6 March 1838.]—AN ACT to punish in a summary manner Persons indecently Exposing themselves.

Preamble.

WHEREAS it is deemed expedient to punish in a summary manner persons indecently exposing themselves, be it therefore enacted, by his Excellency Sir Evan John Murray McGregor, Baronet, Governor, &c., the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person shall, by bathing in the sea, or in any river or pond, indecently expose his or her person to the view of persons residing or passing near thereto, or if any person shall in any way indecently expose his or her person in the view of any highway, such person shall, on conviction thereof before any Justice of the Peace, incur a fine in the discretion of the Justice, not exceeding the sum of Twenty-five Shillings current money of this Island, to be levied and raised as in case of servants' wages, and in default of

payment thereof, the offender shall, by warrant from under the hand and seal of the said Justice, be committed to the common gaol of this Island for any time not exceeding Ten Days, with or without hard labour, unless the fine be sooner paid.

No. 109.
6 March 1833.

No. 110.

No. 110.
9 March 1838.

9 March 1838.]—AN ACT to prevent the cruel and improper treatment of Cattle.

WHEREAS it is expedient to prevent the cruel and improper treatment of horses, mares, geldings, mules, asses, cows, heifers, steers, oxen, sheep, and other cattle:

1. Be it therefore enacted, by his Excellency Sir Evan John Murray McGregor, Baronet, Governor, the Honourable Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person or persons shall wantonly and cruelly beat, abuse, or ill-treat any horse, mare, gelding, mule, ass, ox, cow, heifer, steer, sheep, or other cattle, and complaint on oath thereof be made to any Justice of the Peace or other Magistrate, within whose jurisdiction such offence shall be committed, it shall be lawful for such Justice of the Peace or other Magistrate to issue his summons or warrant at his discretion, to bring the party or parties so complained of before him or any other Justice of the Peace, or other Magistrate, of the town, district, or place within which such Justice of the Peace or other Magistrate has jurisdiction, who shall examine any witness or witnesses who shall appear or be produced to give information touching such offence (which oath the said Justice of the Peace or other Magistrate is hereby authorized and required to administer), and if the party or parties accused shall be convicted of any such offence, either by his, her, or their own confession, or upon such information as aforesaid, he, she, or they, so convicted, shall forfeit and pay any sum not exceeding Ten Pounds, nor less than Ten Shillings to her Majesty, her heirs and successors; and if the person or persons so convicted shall refuse or not be able forthwith to pay the sum forfeited, every such offender shall, by warrant under the hand and seal of some Justice or Justices of the Peace, or other Magistrate, within whose jurisdiction the person offending shall be convicted, be committed to any house of correction or any other person within this Island, there to be kept without bail or mainprize for any time not exceeding Three Months.

Horses, cattle, &c.,
wantonly and cruelly
beaten, &c., subjects
offender to a fine, &c.

2. Provided always, and be it further enacted, by the authority aforesaid, That no person shall suffer any punishment for any offence committed against this Act, unless the prosecution for the same be commenced within ten days after the offence shall be committed; and that when any person shall suffer imprisonment pursuant to this Act for any offence contrary thereto, in default of payment of any penalty hereby imposed, such person shall not be liable afterwards to any such penalty.

Prosecution to be
commenced within
10 days.

3. Provided also, and be it further enacted, That no order or proceedings to be made or had by or before any Justice of the Peace, or other Magistrate, by virtue of this Act, shall be quashed or vacated for want of form, and that the order of such Justice or other Magistrate shall be final, and that no proceedings of any such Justice or other Magistrate in pursuance of this Act shall be removable by *certiorari* or otherwise.

Want of form not to
vacate proceedings
under this Act.

4. And for the more easy and speedy conviction of offenders under this Act, be it further enacted, That all and every, the Justice and Justices of the Peace, or other Magistrate or Magistrates before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall happen (*videlicet*):—

No *certiorari* allow d.

No. 110.
9 March 1838.

Form of conviction.

"Be it remembered that, on the _____ day of _____ in the
"year of our Lord _____ A. B. is convicted before
"me, one of her Majesty's Justices of the Peace for
"_____ or other Magistrate of _____ (as the case
"may be) either by his own confession or on the oath of one or
"more credible witness or witnesses (as the case may be), by
"virtue of an Act to prevent the cruel and improper treatment
"of cattle (specifying the offence and time and place where the
"same was committed (as the case may be). Given under my
"hand and seal, the day and year above written."

Frivolous or vexatious
complaints
punishable.

5. And be it further enacted, That if, on hearing any such complaint as is hereinbefore mentioned, the Justice of the Peace or other Magistrate who shall hear the same shall be of opinion that such complaint was frivolous or vexatious, then, and in every such case, it shall be lawful for such Justice of the Peace or other Magistrate to order, adjudge, and direct the person or persons making such complaint to pay to the party complained of any sum of money not exceeding the sum of Twenty Shillings, as compensation for the trouble and expense to which such party may have been put to by such complaint, such order or adjudgment to be final between the said parties, and the sum thereby ordered or adjudged to be paid and levied in manner as is hereinbefore provided for enforcing payment of the sums of money to be forfeited by the persons convicted of the offence hereinbefore mentioned.

Limitation of actions,
&c., for anything
done in pursuance of
this Act.

6. And be it further enacted, by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this Act, it shall be brought or commenced within three calendar months next after every such cause of action shall have occurred, and not afterwards, and shall be brought, laid, and tried in the precinct in which such offence shall have been committed, and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial or trials to be had thereon, and that the same was done in pursuance and by the authority of this Act, and if the same shall appear to have been so done, or if any action or suit shall not be commenced within the time before limited, or shall be laid or brought in any other precinct than where the offence shall have been committed, then and in any such case the jury or juries shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or shall discontinue his action or actions, or if judgment shall be given for the defendant or defendants therein, then and in any of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath or may have for his, her, or their costs in any other cases by law.

7. And be it further enacted, That all penalties recovered under this Act, shall be paid into the Public Treasury of this Island.

No. 111.
10 March 1838.

No. 111.

10 March 1838.—AN ACT to ratify and confirm the exchange of part of the Land attached to Pilgrim House, for the like quantity belonging to the Pine Plantation, late the property of Joseph Waith, Esq.

Preamble.

WHEREAS by an Act of this Island made and passed the Fourth day of November, One thousand eight hundred and seventeen, entitled "An Act to authorize the Committee hereinafter appointed to exchange certain land attached to Pilgrim House for the same quantity of land belonging to the Pine, the property of Joseph Waith, Esq.," it is enacted, "That the Committee for the repairs of Pilgrim, or a sufficient Board of them,

"should be invested with full power and authority to convey unto the aforesaid Joseph Waith and his heirs for ever, one acre of land or thereabouts, part and parcel of the land attached to Pilgrim House, and to receive in exchange from the said Joseph Waith, a conveyance in fee to them the said Committee, and their heirs and successors, for the use of the public, of the like quantity of land, belonging to him the said Joseph Waith, part and parcel of the plantation called the Pine, agreeably to the respective platts thereof, to be annexed to the deeds of conveyance to be executed for the said land." And whereas in pursuance of the said Act, the said Committee did, soon after the passing of the same, effect an exchange of one acre and three perches of the land attached to Pilgrim House, for land of the like quantity and of equal value belonging to the Pine plantation, the property of the said Joseph Waith, and the land so exchanged by the said parties, hath been ever since held and enjoyed by them respectively, as agreed and intended at the time being of making such exchange. And whereas such deeds of exchange have never been executed as directed by the said Act, and the said Joseph Waith is now resident in America, and at the time of effecting the exchange of the said lands, certain liens existed against and affected the lands of the said plantation called the Pine, which being still open and unsatisfied, doubts have arisen as to whether they do not continue to affect that part of the land so as aforesaid taken in exchange by the said Committee, and now held and enjoyed as belonging to Pilgrim House. For the removal of which doubts, be it enacted, by his Excellency Sir Evan John Murray McGregor, Baronet, Governor, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that the said exchange so as aforesaid made and entered into by the said Committee and the said Joseph Waith, of part of the land attached to Pilgrim House, for the like quantity of the land belonging to the Pine plantation, shall be and the same is hereby ratified and confirmed to all intents and purposes whatsoever. And all and every the liens then affecting the lands of the Pine plantation, shall be and the same are hereby transferred to that part of the land of Pilgrim House so as aforesaid given in exchange for the like quantity of the Pine land, and which said quantity of the Pine land so as aforesaid taken in exchange, and now held and enjoyed with the other lands attached to Pilgrim House, shall, from henceforth and for ever hereafter be and remain absolutely discharged of and from all and every the liens then or now affecting the said plantation called the Pine, and the lands thereof.

No. 112.

No. 112.
13 March 1838.

13 March 1838.]—AN ACT to prevent the holding of Elections in the Parish Churches, and to alter the mode of giving Notices therein during Divine Service.

[Clauses 4 and 5 repealed.]

WHEREAS by several Acts of this Island the elections of members of the General Assembly and of the Vestries for the several parishes are directed to be held in the several parish churches, by reason whereof the house of God is oftentimes desecrated:—

1. For remedy whereof, be it enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, it shall not be lawful to hold any election, either of members to serve in the General Assembly or of vestrymen of the different parishes, in any of the churches or chapels or licensed places of worship, in this Island; and that every election held

Elections not to be held in churches or chapels.

No 112.
13 March 1838.

Elections for the parish of Saint Michael to be held in the Town Hall. See Act 22 December 1848. Churchwardens to provide places for holding elections in the other parishes.

Penalty on Churchwardens for neglect.

Notices not to be given in churches, &c., but affixed on or near church doors, &c., as herein.

Proviso.
Not to extend to the publication of banns, &c.

in any church or chapel, or licensed place of worship, contrary to the provisions of this Act, shall be, and the same is hereby declared to be void, anything in any law or usage to the contrary thereof in any wise notwithstanding.

2. And be it further enacted, That all such elections for the parish of St. Michael, and that all such elections for the several other parishes shall be held in such convenient place within each parish as the Churchwarden for the time being shall provide; and in case there shall not be any proper parochial building suitable for holding an election, then the said Churchwarden shall have power to hire a convenient house within the parish for the purpose aforesaid, and shall charge and be allowed the cost thereof in his account with the said parish: and the said Churchwarden shall, twenty days at the least before the holding of the election, give notice of the place appointed for that purpose in the manner hereinafter mentioned. And any Churchwarden who shall neglect his duty in any of the particulars aforesaid, shall forfeit the sum of One Hundred Pounds to her Majesty and her heirs and successors, to be recovered as in the case of servants' wages, and paid into the Public Treasury.

3. And whereas by divers Acts of this Island relative to the said elections and to the assessing of taxes and other secular matters, it is directed or required that public notice shall be given with reference to certain proceedings relating thereto, respectively in the parish churches, or chapels, or licensed places of worship during Divine service. And it is expedient that such mode of giving notices should be altered: Be it therefore enacted by the authority aforesaid, That from and after the first day of June next, all notices with reference to such proceedings which under or by virtue of any law, or by custom or otherwise, have been heretofore made or given in churches or chapels, or other licensed places of worship, during or after Divine service, shall be reduced into writing, and copies thereof, either in writing or in print, or partly in writing or partly in print, shall, previously to the commencement of Divine service on the several days on which such notices have heretofore been made or given in the church, chapel, or licensed place of worship, be affixed on or near to the doors of all the churches, chapels, or licensed places of worship within such parish: and such notices, when so affixed, shall be in lieu of, and as a substitute for, the several notices so heretofore given as aforesaid, and shall be good, valid, and effectual to all intents and purposes whatsoever. Provided always, and be it further enacted, that nothing in this Act shall extend or be construed to extend to the publication of banns, nor to notice of the celebration of Divine service or of sermons, nor to restrain the curate, in pursuance of the rules in the book of Common Prayer, from declaring unto the people what holy days or fasting days are in the week following to be observed, nor to restrain the officiating minister from proclaiming or publishing what is prescribed by the rules of the book of Common Prayer, or enjoined by the Queen or by the Ordinary of this Island.

No. 113.
31 March 1838.

No. 113.

31 March 1838.]—AN ACT to prevent diseased Horses, Mules, or Asses being used on any of the Roads, Streets, Lanes, or other public places of this Island.

Preamble.

Glandered horses, &c., not permitted to be at large.

WHEREAS it is expedient to prevent the spread of disease amongst horses, mules, and asses: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor, &c., the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person shall ride, drive, or otherwise make use of any horse, mule, or ass affected with farcy or the disease called glanders on any of the roads, streets, lanes, or

other public place, or if the owner of any such diseased horse, mule, or ass shall suffer and permit the same to be at large on any road, street, lane, or public place of this Island, such person shall on conviction thereof before any two Justices of the Peace, forfeit a sum not exceeding the sum of Five Pounds, and not less than One Pound Five Shillings current money of this Island, to be levied and raised as in the case of servants' wages, one moiety thereof to be paid to the use of the informer, and the other moiety to be paid into the Public Treasury.

No. 113.
31 March 1838.

No. 114.

31 March 1838.]—AN ACT to exempt Wine, Brandy, Rum, and other Spirituous Liquors, imported for the use of the Army and Navy, from the payment of Colonial Duties.

No. 114.
31 March 1838.

WHEREAS it has been usual, from time to time, to exempt wine, brandy, rum, and other spirituous liquors imported into this Island, for the use of her Majesty's army and navy, from the payment of colonial duties, by special Acts passed for that purpose: And whereas it is deemed expedient to have a permanent law for the same: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor, &c., the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all wine, brandy, rum, and other spirituous liquors imported into this Island for the use of her Majesty's army and navy at the expense of Government, shall be, and the same are hereby exempt from the payment of the duties imposed on the same under any Act or Acts of this Island: Provided that the Treasurer of the Island for the time being shall be fully satisfied by the proper authorities that such wine, brandy, rum, or other spirituous liquors have been *bond fide* imported for the use of her Majesty's army and navy; and until the said Treasurer shall be so satisfied, it shall be lawful for him to demand and take bond as heretofore, to secure the payment of duties imposed thereon by the Act or Acts of this Island in such case made and provided; and which said bonds the said Treasurer shall have power, and he is hereby authorized to cancel, when and so soon as he shall be satisfied that the wine, brandy, rum, or other spirituous liquors, in respect of which the said bonds may have been entered into, were *bond fide* imported for the use of her Majesty's army and navy, and have been actually received or delivered into the Government stores for this purpose.

Wine, brandy, rum, &c., imported for the use of the army and navy exempt from duties.

Treasurer to be satisfied of the truth of such importation.

2. And be it further enacted, That the said Treasurer shall, and he is hereby authorized and empowered to cancel all bonds heretofore taken by him to secure the payment of the colonial duties on any wine, brandy, rum, or any other spirituous liquors imported for the use of her Majesty's army and navy; provided he shall, in manner as aforesaid, be fully satisfied that the same were imported for the use of the said army and navy as aforesaid.

No. 115.

25 April 1838.]—AN ACT for vesting the Land and Buildings at Oistin's Fort, in the Rector, Churchwarden, and Vestry of the Parish of Christ Church, for Parochial purposes.

No. 115.
25 April 1838.
[—]

WHEREAS the vestry of the parish of Christ Church, shortly after the dreadful hurricane of the Eleventh of August, One thousand eight hundred and thirty-one, by which their parish church and rectory house were totally destroyed, repaired and fitted up the buildings at Oistin's Fort, the property of this colony, as a temporary place of worship, and a residence for the Rector of the said parish. And whereas by an Act of

No. 115.
25 April 1838.

this Island, which passed the Fifth day of July One thousand eight hundred and thirty-four, the said buildings are vested in the Rector of the said parish of Christ Church and his successors, Rectors of the said parish, until the parish church should be rebuilt, and a mansion-house provided for the Rector. And whereas the said parish church having been completed, the said buildings are no longer required as a temporary place of worship, but the same may be advantageously used for parochial purposes were they permanently vested in the Rector, Churchwarden, and Vestry of the said parish.

Oistin's Fort vested
in the Rector, &c., of
Christ Church.

Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the said buildings at Oistin's Fort, so as aforesaid vested in the Rector of the said parish of Christ Church and his successors, shall, together with the land thereto belonging, be, and the same are hereby absolutely and for ever vested in the said Rectors, Churchwardens, and Vestries of the said parish of Christ Church and their successors, the Rectors, Churchwardens, and Vestries of the said parish, for such parochial purposes as shall be agreed on by the Rector, Churchwarden, and Vestry for the time being of the said parish of Christ Church, or the major part of them.

No. 116.
16 May 1838.

No. 116.

16 May 1838.]—AN ACT for terminating the Apprenticeship of the Prædial Labourers, within this Island, on the First day of August 1838.

[Clauses 1 and 2 had their effect.]

Apprenticed labourers
afflicted with disease
to be supported by
their masters during
life.

AND be it further enacted, That the owners or directors of plantations or places shall be, and they are hereby required to supply those persons who in their aforesaid state of apprenticeship were attached to such plantations or places respectively, and shall, on the said First day of August, One thousand eight hundred and thirty-eight, be afflicted with any such disease or mental or bodily infirmity, as may render them permanently incapable of earning any part of their subsistence, with adequate food, clothing, medicine, medical attendance, lodging, and maintenance, during their natural lives, or until due and adequate provision shall be otherwise made for them by law, under a penalty of Two Shillings and Sixpence current money of this Island, per week, to the use of the person not supplied as aforesaid, to be recovered before any Justice of the Peace, as in the case of servants' wages. Provided always, that in case any such person afflicted with any such disease, or mental or bodily infirmity as aforesaid, shall have any relations or kindred, or reputed relations or kindred in the first degree, able to maintain him or her, the owner or director of the plantation or place to which he or she was attached as aforesaid, shall, from and after the First day of August, One thousand eight hundred and thirty-nine, be relieved from any further liability for the food, clothing, medicine, medical attendance, lodging, and maintenance of such infirm person: and provided also, that in case the owner of any plantation or place to which any such infirm person shall have been attached, shall be in such reduced circumstances as to be unable at any time to furnish such food, clothing, medicine, medical attendance, lodging, and maintenance as aforesaid, then and in such case the same shall be furnished to such infirm person by the Churchwarden of the parish to which he or she shall belong, at the cost and expense of the said parish.

Proviso.

No. 117.

No. 117.
2 June 1838.

2 June 1838.]—AN ACT to regulate Punishments on Conviction before Magistrates.

WHEREAS it has been deemed expedient that the punishment of flogging shall not follow any conviction before a magistrate: Be it therefore enacted, by his Excellency Sir Evan J. Murray MacGregor, Baronet, Governor, &c., the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That on any conviction, not obtained on the verdict of a jury, which has been usually visited by flogging, the magistrates of this Island shall substitute in lieu thereof, a commitment to any of the houses of correction to undergo solitary confinement, with or without hard labour, not exceeding One Calendar Month, anything in any Act to the contrary notwithstanding.

Preamble.
Power of ordering flogging taken from Justices of Peace.

No. 118.

No. 118.
2 June 1838.

2 June 1838.]—AN ACT for enclosing the land belonging to Pilgrim House, and to authorize the Sale of so much of said Land as may be detached by such enclosure.

WHEREAS it is desirable to have the land attached to Pilgrim House, the seat of Government, properly enclosed; and it is deemed expedient to sell and dispose of so much of the said land as may be detached by such enclosure: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Commissioners for the repairs of Pilgrim House, or any sufficient Board of them, are hereby authorized and empowered to have the lands attached to Pilgrim House enclosed in such manner as his Excellency the Governor may be pleased to direct, and the said Commissioners, or any sufficient Board of them, are hereby further authorized and empowered, by and with the sanction of his Excellency the Governor, to sell and dispose of such part of the said land belonging to Pilgrim House as may be detached by such enclosure, either by public or private sale as to them may seem best, and to sign, seal, and deliver good and sufficient deed or deeds of sale and conveyance to the purchaser or purchasers thereof and to apply the purchase money, or a sufficient part of the same, in defraying the expense of such enclosure, and to pay the surplus of such purchase money (if any) into the Public Treasury of this Island, and the sale and conveyance for such land shall fully and absolutely vest the fee simple and inheritance thereof in the purchaser or purchasers of the same, and his, her, or their heirs and assigns for ever, free from all incumbrances whatsoever.

Preamble.

No. 119.

No. 119.
26 June 1838.

26 June 1838.]—AN ACT for preventing Tumults and Riotous Assemblies, and for the more speedy and effectual Punishing of the Rioters.

WHEREAS it is expedient that an enactment should be made for preventing and suppressing rebellious riots and tumults, and for more speedily and effectually punishing the offenders: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by

Preamble.
Twelve or more persons unlawfully, &c., assembled, continuing together for one hour after being

No. 119.
26 June 1838.

commanded, as herein provided, to disperse, subjects offenders to transportation or imprisonment.

Proclamation to disperse, form of, &c.

Such persons continuing together and not dispersing within an hour, may be apprehended as herein provided.

If killed, &c., in dispersing, &c., by reason of resisting, the officers, &c., justified.

the authority of the same, That from and after the publication of this Act, if any persons to the number of twelve or more, being unlawfully, riotously, and tumultuously assembled together to the disturbance of the public peace, and being required or commanded by any one or more Justice or Justices of the Peace, or by the Provost-Marshall or his deputy, in this Island, by proclamation, to be made in the Queen's name, in the form hereinafter directed, to disperse themselves, and peacefully to depart to their habitations or to their lawful business, shall, to the number of twelve or more (notwithstanding such proclamation made) unlawfully, riotously, and tumultuously remain or continue together for the space of one hour after such command or request made by proclamation, that then such continuing together to the number of twelve or more after such command or request made by proclamation, shall subject the person convicted thereof, at the discretion of the Court, to be Transported beyond the seas for the term of the natural Life of such person, or for any term not less than Fifteen Years, or to be Imprisoned for any term not exceeding Three Years in the common gaol, or in any penitentiary in this Island.

2. And be it further enacted, That the order and form of the proclamation that shall be made by the authority of this Act shall be as hereafter followeth, that is to say:—the Justices of the Peace or other persons authorized by this Act to make the said proclamation, shall, among the said rioters, or as near to them as he can safely come, with a loud voice command or cause to be commanded silence to be kept while proclamation is making, and after that shall openly and with a loud voice make or cause to be made proclamation in these words or in like effect:—"Our Sovereign Lady the Queen chargeth and commandeth all persons being assembled immediately to disperse themselves and peacefully to depart to their habitations or to their lawful business, upon the pains contained in the Act of this Island, made and passed for preventing tumults and riotous assemblies. God save the Queen." And every such Justice or Justices of the Peace, Provost-Marshall and Deputy Provost-Marshall aforesaid, within the limits of their respective jurisdiction, are hereby respectively authorized, empowered, and required, on notice or knowledge of any such unlawful, riotous, and tumultuous assembly, to resort to the place where such unlawful, riotous, and tumultuous assemblies shall be of persons to the number of twelve or more, and there to make or cause to be made proclamation in manner aforesaid.

3. And be it further enacted, That if such persons so unlawfully, riotously, and tumultuously assembled, or twelve or more of them, after proclamation made in manner aforesaid, shall continue together and not disperse themselves within one hour, then it shall and may be lawful to and for each and every Justice of the Peace, Provost-Marshall, and Deputy Provost-Marshall of the parish or district where such assembly shall be, and also to and for every police officer, constable, and other peace officer within such parish or district, and to and for all such other person or persons as shall be commanded to be assisting unto any Justice of the Peace, Provost-Marshall, or Deputy Provost-Marshall, who are hereby authorized and empowered to command all her Majesty's subjects of age and ability to be assisting to them therein to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously and tumultuously continuing together after proclamation made as aforesaid, and forthwith to carry the persons so apprehended before one or more of her Majesty's Justices of the Peace of this Island, in order to their being proceeded against for such their offences according to law; and that if the persons so unlawfully, riotously, and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt in the dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or

endeavouring to disperse, seize, or apprehend them, that then every such Justice of the Peace, Provost-Marshall, Deputy Provost-Marshall, police officer, constable, or other peace officer, and all and singular her Majesty's lawful subjects being aiding or assisting to them, or any of them, shall be free and discharged and indemnified as well against the Queen's Majesty, her heirs and successors, as against all and every other person or persons of, for, or concerning the killing, maiming, or hurting of any such person or persons so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt, as aforesaid.

4. And be it further enacted, That if any person or persons shall with force and arms wilfully and knowingly oppose, obstruct, or in any manner wilfully and knowingly let, hinder, or hurt, any person or persons that shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made, that then every such opposing, obstructing, letting, hindering, or hurting such person or persons so beginning or going to make such proclamation as aforesaid, and that also every such person or persons so being unlawfully, riotously, and tumultuously assembled, to the number of twelve as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindered as aforesaid, shall, in case they or any of them to the number of twelve or more shall continue together and not disperse themselves within one hour after such let or hindrance so made, be liable at the discretion of the Court to be Transported beyond the seas for the term of the natural Life of such person, or for any term not less than Fifteen Years, or to be Imprisoned for any term not exceeding Three Years in the common gaol, or in any penitentiary in this Island.

5. And be it further enacted, That in awarding Imprisonment for any of the offences punishable under this Act, it shall be lawful for the Court to direct such Imprisonment to be with or without hard labour in the common gaol or penitentiary, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such Imprisonment, or of such Imprisonment with hard labour, not exceeding One Month at any one time, and not exceeding Three Months in any one year, as to the Court in its discretion shall seem meet.

6. And be it further enacted, That no person or persons shall be prosecuted by virtue of this Act for any offence or offences committed contrary to the same, unless such prosecution shall be commenced within twelve months after the offence committed.

No. 119.
26 June 1838.

Hindering the making of proclamation, remaining together to the number of twelve after such hindrance, subjects offenders to Transportation or Imprisonment.

Hard labour and solitary confinement may be added to Imprisonment.

Prosecution to be within 12 months.

No. 120.

6 June 1838.]—AN ACT for the Government and better ordering of the Poor of this Island, and the Prevention of Bastardy.

[6 Repeal clause.]

WHEREAS doubts and difficulties frequently occur to the Vestries, Churchwardens, Overseers of Poor and Justices in and out of Sessions, respecting the proper home, settlement and parish of the poor of this Island, which is a great hindrance to the good government and regulation of the said poor: Be it therefore enacted by his Excellency Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, no poor person shall be granted by any Vestry or Churchwarden any relief, schooling or medical aid in any parish to which he or she shall not belong, and have a settlement in, according to the rules of settlement herein laid down; but it shall be lawful and the bounden duty of every Churchwarden, Overseer of Poor, Churchwardens,

No. 120.
6 June 1838.

Preamble.
See Act 21 August 1851.

When parochial relief to be refused to poor persons.

No. 120.
6 June 1838.

police officers, &c., to apprehend such roving and suspicious persons as herein, and to deal with them as herein provided.

Settlement of the poor, by whom to be determined.

Paupers to be removed to their proper parishes.

Rules to be observed in determining settlement of paupers.

Fathers, grandfathers, mothers, grandmothers, and children, if able, compelled to relieve and maintain, &c.

Constable, Police Officer, and Justice of every parish to apprehend all roving and suspicious persons having no ostensible mode of livelihood, persons craving alms in any parish, road or street, and pauper women great with child, and to take them to any Justice of the parish in which they are found, and the said Justice shall proceed to ascertain and fix the settlement of the said person (if he or she shall have no certificate of settlement) as hereafter laid down, and when ascertained shall dispose of the said pauper in his parish, or shall remove him or her by warrant directed to some Constable, or in case of necessity, to any person who shall deliver him or her to the Churchwarden of the parish to which the said pauper shall be adjudged to belong, to be by him lodged in any workhouse which may be established or hereafter be erected in the district to which the said pauper shall belong, to be subject to such rules and discipline, and moderate labour, as shall be established by the Justices or Guardians of such house, and approved by the Governor or Commander-in-Chief of this Island for the time being.

2. And it is hereby enacted, That to confer a settlement on any pauper of this Island, the Justice of any parish before whom such pauper shall be brought, shall take to himself the Churchwarden and one of the Vestry of the said parish, who shall form a court for the decision of the same, and such Justice shall administer the following oath to the Churchwarden and Vestryman :

" You shall well and truly inquire in what parish A. B. (the name of the pauper) is entitled to a settlement according to an Act or Statute of this Island, fixing and conferring settlement, and a true verdict give. So help you God."

After which the Churchwarden or Vestryman shall administer the like oath to such Justice, Provided that if the Justice before whom such pauper shall be brought, shall himself be the Churchwarden, then he shall take to himself some other Justice of the parish, if there be any such Justice, and if not, then a Justice of some neighbouring parish, who shall in like manner proceed to be sworn to try the question, and the decision of such Court shall be final, and the said Court shall then give a certificate of settlement to the said pauper, and shall cause him or her to be removed to their proper parish, by warrant under the hand of the Justice directed to any sworn Constable, or in case of necessity to any person who shall deliver such pauper to the Churchwarden of the proper parish; and the said Churchwarden shall countersign the said certificate and dispose of the said pauper, by providing employment for him or her in or out of any workhouse of the district in which such parish shall be situate, to which such pauper shall belong. Provided always that the said Court shall be guided in their decisions by the following rules of settlement, viz. :—

First. The place of birth—Provided always that in case a woman having a settlement in one parish shall be brought to bed in another, then the child so born shall follow the settlement of the mother, and the woman shall follow the settlement of her husband.

Second. The parish in which such person shall have been last an apprentice for one year.

Third. The last place where he or she shall have been a householder or tenant for one year.

3. And be it further enacted, That the fathers and grandfathers, mothers and grandmothers, and the children of any poor, old, lame, blind, impotent person, or other poor person not able to work, being of sufficient ability to maintain the same, shall relieve and maintain, at their own charge and expense, such poor person, in such manner, and according to that rate, as by the Justices of the Peace of the parish where such sufficient persons shall dwell, or the greater number of them at their general Quarter Sessions, shall be assessed, upon pain that every one of them shall forfeit a sum not exceeding Twenty Shillings for every month which they shall fail therein.

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6 June 1838.

4. And be it further enacted, That every man who from and after the passing of this Act, shall marry a woman, having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children, until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children; and such child or children shall for the purposes of this Act be deemed a part of such husband's family accordingly.

Husbands to maintain children, if any, by a former marriage, &c., till the age of sixteen, or the mother's death.

5. And be it further enacted, That all constables or persons shall, for removal of paupers or other duties performed under this Act, be entitled from the Churchwarden of the parish complaining, to the same fees as for executing warrants of the same distance, and the said Churchwarden shall be allowed the same on the settlement of his account with the Vestry.

Constables to be paid their fees by the Churchwarden for duties done under this Act.

7. And be it further enacted, That every child which shall be born a bastard after the passing of this Act, shall have and follow the settlement of the mother of such child, until such child shall attain the age of sixteen years, or shall acquire a settlement in its own right; and such mother, so long as she shall be unmarried or a widow, shall be bound to maintain such child as a part of her family, until such child shall attain the age of sixteen years, and all relief granted to such child, while under that age, shall be considered as granted to such mother; provided always that such liability of such mother shall cease on the marriage of such child, if a female.

Bastards, settlement and provision respecting.

8. And be it further enacted, That when any child shall hereafter be born a bastard, and the mother of such child shall be unable to provide for its maintenance, she may make complaint of the same before any Justice of the parish in which she dwells, and the said Justice shall associate to himself another Justice, and shall cause diligent enquiry to be made for the father of such child, and shall issue his warrant for the immediate appearance of the said father, or putative father, and for bringing him before him and such other Justice of the said parish: and the said Justices shall proceed to hear evidence on such complaint, and if they shall be satisfied, after hearing both parties, and examining into all the facts that bear on the case, that the person so charged is really and in truth the father of such child, they shall make such order upon such person, in that respect, as to such Justices shall appear to be just and reasonable under the circumstances of the case; provided always, that such order shall not exceed the actual expense incurred, or to be incurred, for the maintenance and support of such child, until the same shall attain the years of seven, if he or she shall so long live: provided also, that no such order shall be made unless the evidence of the mother of such bastard child shall be corroborated in some material particular, by other testimony to the satisfaction of such Justice: provided also, that no part of the moneys paid by such putative father, in pursuance of such order, shall at any time be paid to the mother of such bastard child, nor in any way be applied to the maintenance and support of such mother.

Putative fathers of bastards liable to maintain them, if mother be unable.

9. And be it further enacted, That if the mother or putative father of a bastard child, shall leave his or her bastard child, or children, or run away out of the parish, abscond, or quit the Island, without providing for the maintenance of such child, or children, it shall be lawful for the Churchwarden, Overseers, or Guardians of the Poor of any parish, where such child shall be born, and deserted, to attach by warrant from any Justice of the parish, so much of the goods, chattels, and effects of such mother or putative father, as shall be sufficient for bringing up and providing for such bastard child or children, and to order sale to be made of such goods and effects, and so much to be retained as will be sufficient for the purpose aforesaid; and in case the Churchwarden can find no such goods or chattels belonging to the mother or putative father of such

Desertion of bastards subjects the effects of the mother or putative father to be attached.

No. 120.
6 June 1838.

father may be committed to the house of correction, &c.

Destitute children to be provided for by Churchwarden, &c.

Appeals under this Act provided for.

Persons dissatisfied with orders made under this Act may appeal as herein.

child, it shall be lawful for any Justice of the Peace of the parish, on the complaint of such Churchwarden or Overseer of the Poor, to issue his warrant for the apprehension of such mother, or putative father, of such child, and him or her commit to the house of correction, within the district to which such deserted child shall belong, there to remain, and be subject to hard labour, for any time, at the discretion of the Justice, not exceeding Six Months, or until he or she shall find full and sufficient security for the maintenance of such bastard child, until it shall be seven years of age, together with payment of all costs and charges incurred on the complaint: and in case no effects shall be found, and the child shall be wholly destitute of maintenance, it shall be lawful for the Churchwarden and Justice, to provide and advance sufficient maintenance at their discretion, which shall be allowed to the said Churchwarden by the Vestry in his accounts.

10. And be it further enacted, That the sworn magistrates resident in any district, or not less than two of them, together with the Churchwarden for the time being of each parish, shall in the second week in the months of February, May, August, and November, meet in some convenient place in every parish, of which due notice shall be given, for the hearing of appeals under this Act.

11. And be it further enacted, That if the person upon whom such order shall be made by the Justice aforesaid, shall be dissatisfied with the same, it shall be lawful for him to apply to the Court of Appeal herein appointed, for a revision of such order, giving seven days' notice of such intended application to the Churchwarden of the parish, to which the mother of the said child shall belong; and in case there shall not previously to such sitting have been sufficient time to give such notice, the hearing of such application shall be deferred to the next sitting of the said Court. Provided always that whenever any such application shall be heard, and the order of the Justice confirmed in whole or part, the said costs and charges for maintenance of the said child shall be calculated from the birth of the child, and be paid to the Churchwarden of the parish in which such child shall be found, for the uses of the said child: and provided always, that the said Court shall have full power, if they find on hearing the said application that it is untenable and frivolous, to order full costs and law charges to be paid by the person making such application.

No. 121.
21 June 1838.

No. 121.

21 June 1838.]—AN ACT to limit in certain cases the Costs to be taxed for Plaintiffs in Actions of Trespass and Slander.

Preamble.
In actions of trespass, quare clausum fregit, assault and battery, or slander, if damage assessed to be under forty shillings, plaintiff to have no more costs than damages.

WHEREAS it is deemed expedient to limit in certain cases the costs to be taxed for plaintiffs in actions of trespass and slander: Be it therefore enacted by his Excellency Major-General Sir Evan John Murray Mac Gregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That in all actions of trespass, quare clausum fregit, or of assault and battery, and in all actions upon the case for slanderous words, to be sued or prosecuted by any person or persons in any the Courts of Record within this Island from and after the passing of this Act, if the jury upon the trial of the issue or issues in any such action, or the jury that shall inquire of the damages, do find or assess the damages under Forty Shillings current money of this Island, then the plaintiff or plaintiffs in such action shall have and recover only so much costs as the damages so given or assessed amount to, without any further increase of the same, any law, statute, custom or usage to the contrary thereof in any wise notwithstanding.

No. 122.

No. 122.
5 January 1839.

5 January 1839.]—AN ACT to appoint an additional Number of Police Magistrates of this Island.

[Clauses 1, 2, 3, 4 and 5 repealed.]

6. Be it enacted, by the Governor, Council, and Assembly of this Island, That if it shall appear to the satisfaction of any Police Magistrate, that persons who are brought before them are unable, from poverty, to pay the fees becoming due on such proceedings in their case, the said Police Magistrate shall be authorized, if it appears to him expedient, to recommend the case of such persons to the Governor or Commander-in-Chief for the time being for remission; and the Governor shall have full power and authority thereupon to remit the same: Provided always, that in all cases in which any person may be, from want of effects or any other cause, committed to prison for non-payment of fees, such person shall not be kept in custody for a longer period than One Month.

Fees may be remitted by Governor to poor person.

Imprisonment for non-payment of fees not to exceed one month.

7. And whereas, since the decisions and proceedings of all Police Magistrates and other Justices of the Peace, are now placed under the constant revision of the Assistant Court of Appeal, it is no longer expedient that in all cases it should be necessary for two Justices of the Peace, jointly to inquire into and hear the same: Be it further enacted, That in all cases in which any question is brought before any of the said Police Magistrates, heretofore requiring the presence of two Justices to inquire into the same, it shall be lawful from and immediately after the passing of this Act, for any one of such Police Magistrates to hear and determine the same, anything in any of the Acts of this Island to the contrary thereof notwithstanding: Provided always, that nothing in this Act shall alter or abridge the powers of the said Assistant Court of Appeal.

Where two Justices of the Peace are required, a single Police Magistrate may act.

No. 123.

No. 123.
6 March 1839.

6 March 1839.]—AN ACT to amend the Laws relating to Marriage in this Island.

WHEREAS it is expedient to amend the Marriage Law of this Island: Be it, therefore, enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, it shall be lawful for any Minister of the Christian religion ordained or otherwise set apart to the ministry of the Christian religion, according to the usage of the persuasion to which he may belong, to publish within this Island, bans of marriage between persons desirous of being joined together in matrimony, and such publication shall be made in an audible manner, some time during public Divine Service on Sunday, in the face of the congregation, before whom such Minister shall officiate in the Parish in which both or one of the parties to be married shall dwell; and shall contain the Christian and other name and surname and place of abode of each of the said parties, and shall be so published by some such Minister for three Sundays preceding the solemnization of the marriage, during the morning service, if there be service in the morning, or if there shall be no morning service, then during the evening service; and if the parties to be married shall dwell in different parishes, the bans shall be published in like manner in both such parishes, and if the said parties shall be of different persuasions, the bans shall be published in like manner before each of the congregations to which the said parties may respectively belong, whether both the said congregations shall assemble in the same parish or not; and in cases where the bans shall have been published in different places, the officiating Minister at either of the said places shall, on the request of both or either of the parties whose bans shall have been

Preamble.

Bans of marriage may be published by any Christian Minister.

When and how to be made.

No. 123.
6 March 1839.

Proviso.

published as aforesaid, give to the party requiring the same a certificate of the bans, having been duly published in the place of which he is an officiating Minister, and on the production of such certificate to the officiating Minister of the other place where the bans were published, or of such certificates to any other such Minister as aforesaid in the parish to which one of the parties shall belong, it shall be lawful for such Minister where the bans were published, on receiving such certificate from such other Minister where the bans were published, or for such Minister as aforesaid, to whom the certificates of such Ministers of both places where the bans were published, on receipt of such certificate or certificates (as the case may be), to solemnize matrimony between the said parties, according to such form and ceremony as shall be in use or be adopted by the persuasion to which the Minister solemnizing such marriage shall belong: Provided that whenever the form and ceremony used shall be other than that of the United Church of England and Ireland, each of the parties shall in some part of the ceremony make the following declaration:

"I do solemnly declare, that I know not of any lawful impediment
"why I, A. B., may not be joined in matrimony to C. D. here
"present."

Declaration to be made by the parties.

And each of the parties shall say to the other:—

"I call upon these persons here present to witness that I, A. B., do
"take thee, C. D., to be my lawful wedded wife (or husband)."

Proviso.

And provided also, that there be no lawful impediment to the marriage of such parties.

Notice to the Minister before publication of bans.

2. And be it further enacted, That no Minister shall be obliged to publish bans between any person whomsoever, unless the persons to be married shall two days at the least before the time required for the first publication of such bans respectively, deliver or cause to be delivered, to such Minister, a notice of their true Christian and other names and surnames—and a description of their place or respective places of abode in such parish as aforesaid, and of the time during which they have dwelt in such parish or parishes: and that it shall not be lawful for any Minister to solemnize any marriage after three calendar months from the last publication of bans of such marriage; and in all cases where three calendar months shall have elapsed without the marriage having been solemnized, the publication of such bans shall be void; and before the said parties can be married by bans, it shall be necessary to republish bans anew in manner and form aforesaid, as if no bans had ever been published between them.

Marriage to be solemnized within three months from last publication of bans, &c.

If such parties be under age, Ministers not liable to penalty unless the marriage be forbid.

3. And be it further enacted, That no such Minister as aforesaid, who shall solemnize any marriage after due publication of bans as aforesaid, between persons both or one of whom (not being a widow or widower) shall at the time of such marriage be under legal age, shall be answerable, or responsible, or liable to any pain, penalty, or proceeding for having solemnized such marriage without the consent of the parents or guardians, or other persons (if any) whose consent is required by law, unless such parents or guardians, or other person, or one of them, shall forbid the marriage, and give notice thereof to such Minister, before he has solemnized the same: and in case such marriage shall be forbidden as aforesaid, and such notice shall be given as aforesaid, the publication of the bans for such marriage shall be absolutely void.

If forbidden, and notice given, the marriage void.

Licenses for marriage to extend to cases herein mentioned.

4. And be it further enacted, That where by any law now in force, or which may hereafter be in force in this Island, by which licenses for marriage without the publication of bans may be granted or issued by the Governor or any civil authority herein, it shall be lawful for the parties intending marriage, or either of them, to require that such license shall authorize the solemnization of the marriage, in respect of which, such license is applied for in any place where, and by any Minister by whom such marriage could have been solemnized by virtue of this Act, if bans thereof had been published as aforesaid.

No. 123.
6 March 1839.

When Marriage
Officers may be
appointed.

5. And whereas it may happen that in this Island, there may not be any such Minister as aforesaid, or not a sufficient number of Ministers to afford convenient facilities for marriage, and it is expedient to provide for such cases, Be it, therefore, enacted, That in every such case, and whenever the same shall happen, it shall be lawful for the Governor to appoint by writing, under his hand and official seal, one or more such fit and proper person or persons as he shall from time to time deem necessary or expedient, to be called the Marriage Officer, to solemnize marriages within such part or parts of this Island as the Governor shall from time to time direct, and it shall be lawful for the Governor at any time and from time to time to revoke and cancel any such appointment or appointments, and to alter, vary, enlarge, or contract the district or districts in which any person so appointed shall have power or jurisdiction to celebrate marriage, for any cause which to him shall seem meet; and every such appointment shall specify the part or district in which the person thereby appointed shall have power and jurisdiction to celebrate the marriage, and until some laws shall be made, passed, allowed, and promulgated for regulating marriages by persons so appointed, it shall be lawful for the Governor, and he is hereby required, to direct, declare, and promulgate the manner by which the intention of parties to marry before any such Marriage Officer shall be made public: Provided always, that it shall not be lawful for any such Marriage Officer to solemnize marriage between persons, one or both of whom shall be under lawful age (unless in the case of a widow or widower) after such marriage shall be forbidden, and notice thereof given him by any person having lawful authority to forbid the same: Provided always, that in every marriage before any such Marriage Officer not celebrated according to the form of the United Church of England and Ireland, the parties shall, in some part of the ceremony, respectively make the declarations hereinbefore set forth, as in the case of marriage by any such Minister as aforesaid: Provided also, that every such Minister as aforesaid may, nevertheless, publish bans and celebrate marriage under and by virtue of this Act, in any part or district, within which any such Marriage Officer shall have power or jurisdiction to celebrate marriage as fully as if no such Marriage Officer had ever been appointed.

6. And whereas, it may happen that the parents or parent, guardians or guardian of one or both of the parties to be married may be *non compos mentis*, or absent from this Island, or otherwise incapable in law, or in fact, of consenting, or may be induced unreasonably and improperly to withhold his, her, or their consent to a proper marriage, or may be dead; Be it therefore enacted, that in case any such parent or guardian whose consent is necessary to a marriage, shall be *non compos mentis*, or absent from the Colony, or otherwise incapable as aforesaid of consenting, or shall withhold his, her, or their consent to any marriage; or in case there shall be no person capable of consenting, it shall be lawful for any person desirous of marriage, to whose marriage such consent is necessary, but cannot be given, or is withheld, to apply by petition to the Chief Civil Judge, or person officiating as such for the time being, of the precinct in which such person resides, who is hereby empowered to proceed upon such petition in a summary way, and in case the marriage proposed shall, upon examination, appear to him to be proper, the said Chief Civil Judge, or person officiating as such, shall judicially declare by his order, in writing, that such marriage is proper, and may be solemnized forthwith; and every marriage duly solemnized in pursuance, or under the authority or direction of such order, shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if such consent as aforesaid had been duly given thereto.

When consent of the
Chief Civil Judge
may be obtained in
loco parentis, &c.

7. And be it further enacted, That after the solemnization of any marriage under or by virtue of this Act, it shall not be necessary, in support of such marriage, or in any action, suit, or proceeding, where the same may come into question, to give any proof of the actual dwelling of the parties married, or of either of them before the marriage, or that the

On a question of
marriage, proof of the
written bans not
required, and evidence
to the contrary not to
be received.

No. 123.
6 March 1839.

Proceedings to compel
the celebration of
marriage not
permitted.

Marriages to be
solemnized with open
doors between 8 and
12 o'clock, in the
presence of two or
more witnesses,
besides the Minister,
and entry thereof to
the effect herein, to be
made in a register
book, to be kept by
the Minister.

Form of marriage
entry in the register.

bans were published, or that the marriage was solemnized in the place, and by a person, where and by whom the same ought to have been published and solemnized respectively, nor shall any evidence be received to prove the contrary.

8. And be it further enacted, That in no case whatsoever shall any suit or proceeding be had in any Court or before any jurisdiction whatsoever, to compel the celebration of any marriage, by reason of any promise or marriage contract entered into, or by reason of seduction, or of any cause whatsoever, which shall arise after the taking effect of this Act, any law or usage to the contrary notwithstanding: Provided always, that nothing herein contained shall prevent any person aggrieved from suing for or recovering damages in any Court or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other cause as aforesaid.

9. And in order to preserve evidence of marriages, and to make proof thereof certain and easy, and for the direction of such Ministers and Marriage Officers as aforesaid in the registration thereof: Be it therefore enacted, That from and after the passing of this Act, all marriages (except marriages by special license to marry at any time and place where such special licenses can be lawfully granted), shall be solemnized with open doors, between the hours of eight in the forenoon and twelve at noon, in the presence of two or more credible witnesses, besides the Minister or Marriage Officer who shall solemnize the same; and that immediately after the solemnization of every marriage, an entry thereof shall be made in a marriage register-book, to be kept for that purpose by some such Minister or Marriage Officer as aforesaid, or in some safe custody for the place in which marriages may be solemnized; and in every such entry in every such register it shall be expressed that the marriage was had by bans or license; and if both or either of the parties married by license be under age, and not a widow or widower, that it was had with the consent of the parents, or guardians, or other person or persons having lawful authority to withhold consent to the marriage, or after such order of the Chief Civil Judge or other person officiating as such as aforesaid, and shall be signed by the Minister or Marriage Officer as the case may be, with his proper addition, and by the parties married, and shall be attested by such two witnesses; and every such entry shall be in the form or to the effect of the following specimen:—

ORIGINAL REGISTER.

1839. Marriages solemnized at Bridge-Town, in the parish of St. Michael, in the Island of Barbados, 1839.

No. 1.	No. 1.
1st of ——— 1839.	When Married.
John Williams. Lucy Chambers.	Names and Surnames.
Full Age. Minor.	Ages.
Bachelor. Spinster.	Condition.
Carpenter.	Rank and Profession.
	Residence at the time of Marriage.
After Bans.	After Bans or License.
Henry Chambers, Father.	Consent by whom given, or Judge's order.

Married in the Wesleyan Chapel at Bridge-Town aforesaid, after bans, by me, A. B., Wesleyan Minister.

No. 123.
6 March 1839.

This marriage was solemnized between us,

JOHN WILLIAMS, } in the presence of { C. D.
LUCY CHAMBERS, } E. F.

And of every such entry, at the same time before the parties depart, shall then and there be made on a separate piece of paper, parchment, or vellum, a duplicate original register, in which the same matter shall be entered and signed, and attested by the same parties in manner or to the effect of the following specimen :—

Duplicate thereof to be made on separate paper,

DUPLICATE ORIGINAL REGISTER.

1839. Marriages solemnized at Bridge-Town, in the parish of St. Michael, in the Island of Barbados, 1839.

No. 1.	No. 1.
1st of ——— 1839.	When Married.
John Williams. Lucy Chambers.	Names and Surnames.
Full Age. Minor.	Ages.
Bachelor. Spinster.	Condition.
Carpenter.	Rank and Profession.
	Residence at the time of Marriage.
After Bans.	After Bans or License.
Henry Chambers, Father.	Consent by whom given, or Judge's order.

Married in the Wesleyan Chapel at Bridge-Town aforesaid, after bans, by me, A. B., Wesleyan Minister.

This marriage was solemnized between us,

JOHN WILLIAMS, } in the presence of { C. D.
LUCY CHAMBERS, } E. F.

Examined with the original register by me, and found to be correct—
A. B. Which said duplicate original register shall be left in the hands of the Minister or Marriage Officer, by whom the marriage was solemnized; and every such duplicate original register shall within one calendar month from the date thereof be transmitted to the Colonial Secretary of this Island, and all such duplicates shall be filed and safely preserved by him in his office; and every such original register, and also every copy thereof, certified under the hand of the Minister or Marriage Officer who, for the time being, shall have the lawful custody of the original, to be a true copy, and every such duplicate original register, and also every copy thereof certified under the hand of the Secretary of this Island to be a true copy, shall respectively be good evidence of the facts therein recorded, in pursuance of this Act, in and before all Courts and proceedings whatsoever, in which it shall be necessary to give evidence of the marriage to which the same shall relate.

And left with the Minister, and within one month transmitted to the Colonial Secretary to be filed in his office.

Copies of such originals certified by the Minister, or of such duplicates by the Colonial Secretary, evidence.

10. And be it further enacted, That it shall be lawful for all persons, Register books and

No. 123.
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files of duplicate registers may be searched and copies demanded duly certified.

at all reasonable times in the day (except Sundays), to search the original register-book, and also the file of duplicate original registers, in the presence of the persons, for the time being, having the care of the same respectively, or his deputy, and to have a true copy or true copies of any entries or entry therein, or filed as aforesaid, certified under the hand of the Minister, Marriage Officer, or officer for the time being, respectively, having the custody of the original or duplicate original register, as aforesaid (as the case may be), which true copy or true copies such Minister, Marriage Officer, or Secretary, is hereby required to make, examine, and certify under his hand, to be a true copy, in the form of a duplicate original register, except that the same shall be headed "certified copy" (or copies) "of original" (or duplicate original) "marriage register" (as the case may be), and shall be dated on the day, month, and year, when the same be delivered.

Fees demandable.

11. And be it further enacted, That in order to meet the expense, and as a remuneration for the trouble occasioned by the performance of any duty under this Act, the following fees shall be demandable and payable before the performance of the duty to which the same respectively relate, that is to say:—

For solemnising and registering a marriage, and transmitting the duplicate original to the secretary, Four Shillings.

For every general search not directed to any particular entry, Four Shillings.

For every search for a particular entry, Two Shillings.

For every search for two or more particular entries, and not exceeding four entries, One Shilling each.

For every search for any number of particular entries exceeding four, Four Shillings.

For every such certified copy aforesaid, Two Shillings.

Not to apply to the Established Clergy.

Provided always, That nothing herein contained shall prevent any Clergyman of the Established Church of England and Ireland from receiving, for any duty performed by him under this Act, such fees or payments as have heretofore been customarily paid to such Clergyman, according to the rules of the said Church, for the performance of such duties respectively: Provided always, that nothing in this Act contained shall authorize or require any Clergyman of the Established Church aforesaid, to solemnize marriage in any other manner than is prescribed by the Rubric: Provided also, that it shall be lawful for the Governor to authorize such Marriage Officers as aforesaid, to receive such further or other remuneration as he shall, from time to time, think the nature of their duties shall reasonably require.

Proviso.

Proviso.

Destroying, &c., registers, misdemeanor, and subjects offender to imprisonment.

12. And be it further enacted, That if any person shall unlawfully, wilfully, and maliciously erase, obliterate, or destroy, or cause or procure to be erased, obliterated, or destroyed, any such original register, or duplicate original register as aforesaid, such person shall be deemed guilty of a misdemeanor, and on being duly convicted thereof, shall be liable to be imprisoned in the common gaol of this Island, for any term not less than Three, nor exceeding Twelve Calendar Months, and if any person shall unlawfully and wilfully forge, or alter, or falsely make, or cause, or procure, or permit to be forged, or altered, or falsely made, any such original register, or duplicate original register, or any certified copy thereof, respectively, or shall knowingly and wilfully deliver, offer, utter, or put off any such forged, false, or altered copy, he shall be liable, for such his offence, on conviction thereof, to be Imprisoned, in the said gaol, for any term not exceeding Eighteen Months, nor less than six months.

Forging, &c., registers or certified copies or altering such copies, subjects offender to imprisonment.

13. And whereas doubts exist as to the validity of certain marriages, contracted and solemnized previous to the abolition of slavery in this Island, between slaves, and between parties one of whom was a slave, and also in some cases between free persons of colour, and since the abolition of slavery between apprentices and other persons of free condition, by Ministers of the Christian religion other than Clergymen of the United Church of England and Ireland; and it is expedient and necessary that all such doubts should be removed, and such marriages and reputed marriages should be ascertained and confirmed, and that all

persons who may have solemnized any such marriages or reputed marriages, or who have in any manner assisted thereat, should be indemnified from and against all pains, penalties, forfeitures, and proceedings to which such persons or any of them may be liable, therefore: Be it further enacted, That all marriages which at any time before the passing of this Act shall have been solemnized in this Island by or before any such Minister of the Christian religion as aforesaid, shall be, and the same are hereby declared to be and to have been from the time of the solemnization thereof respectively, good, valid, and effectual to all intents and purposes whatsoever, any law or usage to the contrary thereof in anywise notwithstanding, and all pains, penalties, forfeitures, and proceeding of whatsoever kind or description which any such Christian Minister may have incurred or become liable to before the taking effect of this Act, by reason of his having solemnized or assisted at any marriage whatsoever, or in anywise in relation thereto, is and are hereby remitted, released, repealed, and made void.

What marriages already solemnized declared valid.

14. And whereas registers have been duly made and kept by such Ministers as aforesaid, who officiated thereat, it is therefore further enacted, That all such registers and all copies thereof respectively, certified under the hand of the person for the time being, having the lawful care of the same, to be true copies, shall be and are hereby declared to be good evidence of such marriages as aforesaid respectively, as fully as if such registers had been made and kept, and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all Courts, and before all Judges and Magistrates.

Registers and copies thereof of such last-mentioned marriages good evidence thereof.

15. And it is hereby further enacted, That the better to preserve evidence of marriages so registered, and to facilitate the proof thereof, every person in whose custody any register lawfully is or shall be at the time, shall within six months after the promulgation of this Act, respectively make or cause to be made, a fair and correct copy of every such register, and of every entry therein contained. And it shall be lawful for any such Christian Minister as aforesaid, to examine, verify, and correct (if, and where found incorrect) by the original, any such copy of a register kept by the persuasion to which he belongs, and to take the same before any Magistrate, and make and sign the following declaration, which any Magistrate to whom the same shall be tendered is hereby authorized and required to receive and to certify in manner following, that is to say:—

Copy of such registers to be made within six months after the passing of this Act and taken before a Magistrate by the person having the lawful custody, who is to make the declaration herein.

“ I, A. B. (describe the persuasion to which he belongs), do hereby
“ solemnly, sincerely, and truly declare, that I have carefully
“ examined this copy beginning the day of (month and
“ year), and ending on the day of (month and year),
“ and containing pages and entries of marriage, with the
“ original register, and I believe the same to be throughout a
“ true and faithful copy of the original register of which it
“ purports to be a copy.

“ (Signed) A. B.”

“ The said A. B. appeared this day of before C. D.,
“ one of her Majesty's Justices of the Peace in and for ,
“ and made and signed the above declaration in my presence.

“ (Signed) C. D.”

Which declaration, and Magistrate's certificate thereof, shall be entered and signed at the end of the copy to which it relates, and the copy shall be then securely sealed up, and forthwith sent to the Secretary of this Island, to be by him kept with the registers of marriages in his office, where the same may be searched, and every copy of an entry therein, certified under his hand to be a true copy, shall be of the same force and effect as any certified copy, he is hereby required to make and may receive payment for as in other cases: and if any such Minister as aforesaid shall wilfully make and sign any such declaration, knowing the same to

And then such copy to be sealed and sent to Secretary's office, and may be searched, &c., and copy thereof evidence.

Any such Minister making a false

declaration, liable to the penalties for perjury. Certain marriages de facto, if solemnized within one year after the passing of this Act, shall have a retrospective effect to legitimate the offspring.

16. And whereas in consequence of imperfect instruction in the Christian religion and from other causes, many marriages de facto have taken place between persons, one or both of whom were in the condition of slavery, but which marriages de facto have never been sanctioned by any public ceremony or formally registered, and in many such cases the parties have had offspring of such last-mentioned marriages: and it is expedient that provision should be forthwith made for enabling such persons to confer upon their children the benefit of children born in lawful wedlock: It is therefore further enacted, That it shall be lawful for all persons having contracted marriages as last aforesaid, at any time within one year after the coming into operation of this Act, duly to solemnize the marriage ceremony before any Clergyman of the Established Church, or in any other manner authorized by this Act; and every person so recognizing a previous marriage de facto, shall at the same time make and sign the following declaration, which shall also be attested by the witnesses present, and signed by the Minister or Marriage Officer before whom the ceremony is performed:—

" We, A. B. and C. D., do hereby severally, solemnly, sincerely, and truly declare that on the _____ day of _____ or thereabout, at _____, we the said A. B. and C. D., intermarried with each other, and that we have had issue of the said marriage _____ children, and no more, namely :—(here state the names and ages of the children, if any be dead, and state the fact), and that we have not been legally married to any other person since we so intermarried with each other.

" (Signed) A. B.
 C. D."

"X. Y.

And such marriage ceremony shall have relation back to the time of the marriage de facto, and all such children shall be deemed and taken to be born in holy wedlock, and shall possess and enjoy all the rights, privileges, and advantages of persons born in lawful wedlock; and to preserve evidence thereof a duplicate original declaration shall then and there, before the parties depart, be made, signed, and attested in the same manner, and the original declaration shall be appended to and kept with the original register; and the duplicate original declaration shall be appended to, sent, and kept with the duplicate original register, and shall for all purposes of evidence be deemed part thereof respectively. Provided always, and it is hereby declared, That such last-mentioned ceremony and declaration may be performed and made without the previous publication of bans or a license: Provided also that neither of such parties shall have been legally married subsequently to any such marriage de facto.

Provviso.

Governor defined.

17. And be it further enacted, That the word "Governor" in this Act shall be taken to mean the Governor or other officer lawfully administering the government of this Island.

Such Ministers and Marriage Officers celebrating marriage contrary to law, subject to the like penalty as the Ministers of the Established Church.

18. And be it further enacted, that every such Christian Minister as aforesaid not being of the United Church of England and Ireland, and every such Marriage Officer as aforesaid who shall celebrate any marriage contrary to law, shall be liable to the like pains and penalties as are imposed by law on Ministers of the said United Church for solemnizing marriages otherwise than according to law.

No. 124.

26 April 1839.]—AN ACT relating to the keeping of Gunpowder in
Bridge-Town.

Preamble.

WHEREAS large quantities of gunpowder are kept in Bridge-Town, to the manifest danger of the inhabitants of the town in case of fire; to remedy which evil:—

1. Be it enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, That from and after the passing of this Act, it shall not be lawful to land any gunpowder imported into this Island at the public wharf of Bridge-Town, or at any place within the limits of the said town, under a penalty of Ten Pounds sterling money, one half to the informer, and the other half to be paid into the Public Treasury for the uses of the Island.

No. 124.
26 April 1839.

Gunpowder not to be landed at the public wharf, or within the limits of the town, under penalty of 10*l*. sterling.

2. And be it further enacted, That if any person or persons shall from and after the expiration of ten days from the passing of this Act, have or keep in any store, warehouse, shop, dwelling-house or other place within the limits of the said town, any quantity of gunpowder not permitted by this Act to be kept in any such store, warehouse, shop, or dwelling-house, every such person shall for every such offence, forfeit and pay the sum of Ten Pounds sterling money, one half to the informer, and the other half to be paid into the Public Treasury for the uses of this Island.

Not to be kept in houses, stores, &c., except in quantity allowed by the Act, under penalty of 10*l*. sterling.

3. Provided always, nevertheless, and be it further enacted, That it shall and may be lawful for the dealers in gunpowder to keep in any shop, store, or warehouse for sale, not more than twenty-five pounds weight of gunpowder at any one time, provided the same be in tin canisters, not exceeding one pound in each canister: Provided also, that it shall and may also be lawful for any housekeeper in Bridge-Town, to keep in his or her house, not more than two pounds of gunpowder at any one time.

Dealers in gunpowder may have not more than 25 lbs. in canisters.

Housekeepers not more than 2 lbs.

4. And be it further enacted, That on information on oath being given before any Police Magistrate of Bridge-Town by any person, that such person hath good cause to suspect that a larger quantity of gunpowder than what is allowed by this Act, is kept in any store, shop, warehouse, or dwelling-house in the said town, it shall and may be lawful for such Police Magistrates, to grant a search warrant to search for such gunpowder, which search warrant shall be executed under the direction of a corporal, sergeant, or other superior officer of police, between the hours of nine o'clock in the morning, and four o'clock in the afternoon; and all gunpowder which shall be discovered to be illegally kept in the said town, shall be forfeited and sold under the order of any such Police Magistrate, and the proceeds thereof paid half to the informer, and half to the Treasury of the said Island for the public uses.

Police Magistrates may grant a search warrant to send for gunpowder illegally kept, and if discovered, to be forfeited.

5. And be it further enacted, That the several penalties and forfeitures which shall or may be incurred under this Act, shall be to the Queen's most Excellent Majesty, her heirs and successors, to the several uses by this Act declared, concerning the same, and shall and may be recoverable in a summary manner, by complaint to any Police Magistrate of Bridge-Town.

Penalties recoverable by complaint before a Police Magistrate.

6. And whereas his Excellency Sir Lionel Smith, late Governor and Commander-in-Chief of this Island, was pleased to permit merchants and storekeepers, and others having gunpowder in Bridge-Town, to keep the same in the magazine at Charles Fort, and the officers of her Majesty's Ordnance in this Island, have on the application of the Committee appointed by the House of Assembly, for procuring a dépôt for gunpowder imported into this Island, been pleased to continue such indulgence under the following proviso, that is to say,—that the contents should be removed immediately on receiving notice from the Officer of Ordnance, should the magazine be required for the service of Government,—that during such period as the magazine is thus appropriated, the building should be kept in a proper state of repair by the Colonial Government, and that the Commanding Officer of artillery could not hold himself responsible in any degree, for the quantity or preservation of the powder placed therein; but he would at all times be ready to place a steady non-commissioned officer to superintend the issues and receipts, leaving it

Magazine at Charles Fort allowed as a dépôt for gunpowder.

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26 April 1839.

And to be repaired
at the public expense.

Masters of vessels, on
arrival, to report the
quantity of powder,
and deliver the same
at Charles' Fort, &c.

Storekeepers to
deliver the powder to
the owners thereof, at
the times herein pre-
scribed.

Fees to the Store-
keeper.
See Act 29 July 1853.

Fees to the non-
commissioned officer
in charge.

to the Committee to remunerate him for his services, as they may think proper to determine:—And whereas it is deemed expedient to comply with the terms on which the officers of her Majesty's Ordnance are willing to continue the said indulgence, granted by Sir Lionel Smith: Be it further enacted, That the Treasurer of the Island is hereby authorized, during such period as the magazine at Charles' Fort shall thus be appropriated, to keep the building in a proper state of repair, unless such repair shall be rendered necessary by damage sustained by the act of God, or by the Queen's enemies, and from time to time to lay before the Committee of Public Accounts the proper vouchers for the expenses incurred for that purpose, which the Committee of Public Accounts are hereby authorized to allow, on being satisfied of the necessity and reasonableness of such repairs.

7. And be it further enacted, That the master of every vessel in which gunpowder shall be imported into this Island, shall on his arrival report the quantity of gunpowder so imported to the keeper of the store of the magazine, and deliver the same at Charles' Fort at such time as the said Storekeeper shall appoint, and should the consignee of such gunpowder not attend to receive the same at Charles' Fort, the Storekeeper is hereby authorized to give a receipt to such master for such gunpowder delivered at Charles' Fort, which receipt shall be a sufficient discharge to such master for the same: And the said Storekeeper is hereby directed to deliver the said powder out of the said magazine to the owners thereof, between the hours of eight and twelve o'clock on Mondays, Wednesdays, and Fridays, and it is hereby directed that the said gunpowder shall be kept under two distinct locks, one key whereof shall be kept by the said Storekeeper, and the other key by the non-commissioned officer in charge of the said magazine, and the expense attending the placing of such locks on the magazine, shall be paid by the Treasurer of the Island, and charged to the public.

8. And be it further enacted, that there shall be paid to the said Storekeeper for his trouble in superintending the receipts and issues of the said gunpowder, at the rate of Fourpence sterling, for every hundred pounds of powder which shall be taken out of the magazine, if such powder shall not have been stored for a longer time than one month, and at the rate of Fourpence sterling per month, in addition, for every hundred pounds of such powder that shall remain in the magazine after the first month: And the non-commissioned officer who shall be placed in charge of the said magazine shall be, and he is hereby allowed at the rate of Eightpence sterling for every one hundred pounds of such powder as shall be delivered out of the said magazine, and the sums hereby authorized to be charged for receiving, storing, and delivering out of such gunpowder, shall be paid by the owners of such powder previously to their being entitled to receive the same.

No. 125.
26 April 1839.

No. 125.

26 April 1839.]—AN ACT to prevent the clandestine Deportation of Young Persons from this Island.

Preamble.

WHEREAS several children have been recently sent from this Island, without the knowledge and contrary to the wishes of their parents and relations, by certain agents hired to obtain labourers for other colonies: And whereas by reason of their tender years, and the destitute condition in which such children must necessarily be, in places where they have neither relatives nor friends, it is expedient to afford greater protection to young persons exposed to such evils: Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor, and Commander-in-Chief of this Island, the Council, and Assembly, and by the authority of the same:

1. That, if any person shall either by force or fraud, lead or take away, or decoy or entice away, or detain any child under the age of sixteen years, from the parent or parents, or any other person having the care, charge, or custody of such child, with intent to send away such child from this Island, for the purpose of being employed in any other colony: or if any person shall, with such intent as aforesaid, receive or harbour any such child, knowing the same to have been so led, taken, decoyed, enticed away, or detained, as heretofore mentioned: or if any person shall, with such intent as aforesaid, and without the knowledge of the parent or parents, or the person having the care, charge, or custody of such child, send, or carry away, or cause and procure to be sent, or carried away from this Island any such child, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and being convicted thereof, shall be liable to be Imprisoned in the common gaol, or in any penitentiary in this Island, with or without hard labour, for any term not exceeding Two Years.

No. 125.
26 April 1839.

To apply to children under 12 years only.
See Act passed 21st March 1840.

2. And be it further enacted, That if any person shall take away, decoy, or entice away, or detain any young person, over the age of sixteen, and under the age of twenty-one years, who shall at the time be an apprentice to any trade or calling, from the service of the master or mistress to whom such young person is apprenticed, with intent to send away such person from this Island, for the purpose of being employed in any other colony; or if any person shall, with such intent as aforesaid, receive or harbour any such young person, knowing the same to have been so taken away, decoyed, or enticed away, or detained as hereinbefore last mentioned, or if any person shall, with such intent as aforesaid, and without the knowledge of such master or mistress as aforesaid, send or carry away, or cause and procure to be sent or carried away from this Island, any such young person being such apprentice as aforesaid, every such person shall for every such offence, on conviction thereof, before any Police Magistrate, incur a penalty not exceeding Fifty Pounds, nor less than Ten Pounds, to be raised as in the case of servants' wages, and paid one half to the informer, and the other half into the Public Treasury for the uses of this Island.

To apply to young persons over the age of 12 and under 21.
See Act passed 21st March 1840.

No. 126.

13 August 1839.]—AN ACT to authorize the appointment of Weighing Officers at the Shipping Ports in this Island.

No. 126.
13 August 1839.

WHEREAS it is expedient that weighing officers be appointed at the shipping ports in this Island: Be it therefore enacted, by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-Chief of this Island for the time being, to appoint by warrant under his hand and seal, from time to time, any one or more fit and proper person or persons to be weighing officer or officers at each and any of the shipping ports in this Island.

Preamble.

Governor to appoint weighing officers.

2. And be it further enacted, That the Treasurer of the Island for the time being, shall purchase and provide at the public expense, good and sufficient weighing beams and weights for the use of persons shipping produce from the Island, from the ports for which weighing officers shall be appointed. And such officers shall be responsible to the public for the safe keeping and re-delivery of the same when required, and shall pay the value of any deficiency or negligent injury of the same, to be recovered in a summary manner on complaint of the Treasurer to a Justice of the Peace, as in the case of servants' wages.

Treasurer to provide weighing beams and weights.

Officers responsible for their safe keeping.

3 And be it further enacted, that each weighing officer shall be

Fees of weighing officers.

No. 126.
13 August 1839.

Proviso.

authorized to demand and receive to his use the sum of Threepence Threefarthings currency, for each cask of sugar which he shall weigh for any person or persons: Provided always, that nothing in this Act contained shall extend or be construed to extend to make it imperative on shippers of sugars to have the same weighed by any officer to be appointed as aforesaid, but that such persons may continue to have their sugars weighed at private weighing beams as heretofore.

No. 127.
13 August 1839.

No. 127.

13 August 1839.]—AN ACT to consolidate and amend the several Acts relating to the Militia of this Island, and to provide for the better organization of the same.

[27th Clause repealed.]

Preamble.

WHEREAS it is necessary and expedient to amend the laws now in force for regulating the Militia of this Island:—

Militia to consist of 11 regiments, and the corps of Life Guards.

To be composed of the male inhabitants, from the age of 18 to 55, possessing the qualifications required by 7 and 8 clauses. Regiments to be distinguished, and formed into companies as herein.

1. Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Militia of this Island shall consist of eleven regiments or corps of foot, and the corps of Life Guards; and each regiment or corps shall be composed of the male inhabitants of the several parishes of this Island, who are between the age of eighteen and fifty-five years, who are householders, or possessed of property of the value hereinafter mentioned, shall be liable to serve therein; and the several regiments or corps shall be distinguished in the following manner: that is to say—the inhabitants of the parish of St. Michael liable to serve as aforesaid, shall form the first or royal regiment of foot guards; the like inhabitants of Christ Church shall compose the second regiment of foot; the like inhabitants of the parish of St. Philip the third regiment of foot; the like inhabitants of the parish of St. John, the fourth regiment of foot; the like inhabitants of the parish of St. George, the fifth regiment of foot; the like inhabitants of the parish of St. James, the sixth regiment of foot; the like inhabitants of the parish of St. Thomas, the seventh regiment of foot; the like inhabitants of the parish of St. Peter, the eighth regiment of foot; the like inhabitants of the parish of St. Lucy, the ninth regiment of foot; the like inhabitants of the parish of St. Andrew, the tenth regiment of foot; the like inhabitants of the parish of St. Joseph, the eleventh regiment of foot; and the several persons liable to serve in the abovementioned regiments, shall be formed into companies, in such manner as their respective Commanding Officers shall direct, so that each company shall consist of not less than fifty privates, two sergeants, and four corporals, one drummer, and one fifer, except the flank companies, which shall have an additional serjeant each.

Companies, how officered.

2. And be it further enacted, That to each company formed as above required, except the flank companies, there shall be appointed one Captain, one Lieutenant, and one Ensign; and to each of the flank companies, there shall be appointed one Captain and two Lieutenants; and where any regiment shall be now furnished with artillery or field-guns, it shall be the duty of the Commanding Officer of such regiment, within the month of January next, to send in such artillery or field-guns to the Treasurer of the Island, who shall receive and take charge of the same, until they shall be dealt with as hereinafter directed.

Artillery—Brigade in St. Michael's, and Company in St. Peter's to be formed.

3. And be it further enacted, That it shall be lawful for the Governor or Commander-in-Chief for the time being, to order all the artillery or field-guns belonging to the Militia of this Island, except those belonging to the St. Peter's regiment, to be formed into a brigade of artillery, to be manned by persons liable to serve in the Militia of the parish of St. Michael, and to order the artillery or field-guns of the

St. Peter's regiment, to be formed into a company of artillery, to be manned by the St. Peter's Militiamen, and such brigade and company of artillery shall be officered in such manner, and trained on such days, not exceeding twelve in any one year, as to the Governor shall seem most conducive to its efficiency and the public safety; and the Treasurer of the Island is hereby authorized and required to pay on the order of his Excellency the Governor, such sums of money as shall be required for fitting up the said guns, and providing the requisite harness and equipment for the said brigade and company of artillery; and it shall also be lawful for the Commander-in-Chief to cause the Commanding Officer of any regiment, to form the Light Infantry Company of such regiment into a Rifle Company, and to have the same practised as such, and to appoint once in every year a particular day of the regular meeting of the Militia to be a day of firing for prizes, and to grant as a reward to the best shot in each company so trained as rifle companies, fifty shillings; and the second best shot twenty-five shillings; which rewards shall be paid by the Treasurer on receiving a written order of the Commanding Officer of the regiment to which such Rifle Company shall belong.

Rifle Companies may be formed.

4. And be it further enacted, That to every regiment which shall consist of not less than six companies, formed and officered as above required, there shall be appointed one Colonel, and one Lieutenant-Colonel, and one Major, and to every regiment which shall consist of less than six companies, formed and officered as above required, there shall be appointed one Lieutenant-Colonel and one Major.

Rank of officers of regiments.

5. And be it further enacted, That the staff of each regiment shall consist of one Adjutant, one Surgeon, one Quarter-Master, and one Pay-Master; and that to every regiment which shall consist of not less than six companies, there shall be appointed, besides the officers abovenamed, one Sergeant-Major, and six Central or Colour Sergeants; and to every regiment which shall consist of less than six companies, there shall be appointed one Sergeant-Major, and four Central or Colour Sergeants.

Staff—Regimental how composed.

6. And be it further enacted, That one Field Officer, at the least, of each regiment, shall reside in the parish to which such regiment belongs; provided always, that nothing contained herein shall be construed to extend to any Field Officer, who being resident in the parish at the time of his appointment, shall afterwards remove out of it.

A Field Officer to reside in each parish, &c.

7. And be it further enacted, That all the undermentioned officers serving in the Militia of this Island shall be required to possess the following qualifications: that is to say, every Colonel shall be beneficially entitled to and possessed of one hundred acres of land, or of a house or houses of the rent or value of two hundred pounds per annum, or a clear annual income of three hundred pounds: every Lieutenant-Colonel shall be beneficially entitled to and possessed of seventy-five acres of land, or of a house or houses of the rent or value of one hundred and fifty pounds per annum, or a clear annual income of two hundred and twenty-five pounds; every Major shall be beneficially entitled to and possessed of fifty acres of land, or of a house or houses of the rent or value of one hundred pounds per annum, or a clear annual income of one hundred and fifty pounds; every Captain and every Adjutant shall be beneficially entitled to and possessed of twenty-five acres of land, or of a house or houses of the rent or value of fifty pounds per annum, or a clear annual income of seventy-five pounds; every Lieutenant shall be beneficially entitled to and possessed of twenty acres of land, or of a house or houses of the rent or value of forty pounds per annum, or a clear annual income of sixty pounds; and every Ensign shall be beneficially entitled to and possessed of ten acres of land, or of a house or houses of the rent or value of twenty pounds per annum, or a clear annual income of thirty pounds; and all Regimental Staff Officers shall be possessed of the like qualifications according to their respective ranks, such qualifications to be ascertained by the Commanding Officer of the regiment, by the oath of the party, if requisite, previously to the commission being granted to him; and in the

Qualification of officers.

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case of Staff Officers on the general staff of this Island, and of the Commanding Officer himself, such qualification is to be ascertained by the Adjutant-General of the Militia, by the oath of such General Staff and Commanding Officers respectively, all of which oaths the said Commanding Officers and the said Adjutant-General are hereby severally authorized to administer: Provided also, That all officers now in commission may be continued, although they may not be possessed of the qualifications required by this Act; and provided also, that any officer now in commission or hereafter to be legally appointed, who already has, or who shall or may after such his appointment, either sell, alien, or convey his land, or house or houses aforesaid, or be otherwise dispossessed of the same, shall nevertheless be still deemed and considered capable of being continued an officer, to all intents and purposes whatsoever, as though he had not sold, aliened, conveyed, or been dispossessed of his land, or house or houses as aforesaid, anything herein contained to the contrary notwithstanding: Provided always, that the aides-de-camp of the Commander-in-Chief for the time being shall not be required to possess such qualifications.

Possessors of property herein mentioned, liable to serve in the Militia.

8. And be it further enacted, That every male inhabitant residing in any house in this Island, or householder who shall be seized or possessed of any tenements, lands or hereditaments, or who shall be seized or possessed of any estate for life, or some greater estate either in law or equity, in five or more acres of land in this Island, or whose wife shall be entitled to the rents and profits for his or her life, for any tenements, rents, or lands of the yearly amount of twenty pounds current money of this Island, or who shall occupy or reside in any dwelling-house in this Island, as tenant thereof, at a rent of not less than twenty pounds current money per annum, or who shall keep any office, store, or counting-house, in any town of this Island, or who shall be employed at a salary of not less than twenty pounds per annum, in any such office, store, warehouse, or counting-house, or who shall be employed as a manager, under manager, or book-keeper, in any part of this Island, at a salary of not less than twenty pounds per annum, shall be liable to serve in the Militia of this Island, unless exempted under the provisions of this Act.

Enrolment—annual in January, &c.

9. And be it further enacted, That every male person resident in this Island, and liable to serve in the Militia, shall some time in the month of January next, and also some time in the month of January in each succeeding year after, appear before some one of the Field Officers, or the Commanding Officer of the regiment of that parish in which he shall be then resident, and shall give his name, age, and place of residence, and enrol himself to serve in the said regiment until the next general enrolment, under a penalty equal to the amount which such person should have been liable to pay for his exemption under the provisions of this Act; in addition to which he shall be liable to serve until the next general enrolment, without being entitled to purchase such privilege of exemption as hereinafter provided; and in case such person shall be prevented by illness from attending in person within the time aforesaid, it shall be lawful for him to enrol his name by a letter signed by him, and addressed and delivered to some one of the Field Officers, or the Commanding Officer of the said regiment.

Exemption—may be purchased as herein.

10. And be it further enacted, That if any person liable to serve in the Militia as aforesaid, shall desire to be relieved from such duty, he shall be at liberty to purchase an exemption therefrom, for the period of one year, upon payment into the Public Treasury of this Island, of one of the following sums, that is to say:—where he possesses the qualification of a Colonel, fifteen pounds; of a Lieutenant-Colonel or Major, twelve pounds ten shillings; of a Captain, ten pounds; of a Subaltern, seven pounds ten shillings; and all other persons, five pounds; which payments must be made in the month of January in each year. And if any person holding a commission shall purchase an exemption as aforesaid, it shall be deemed a resignation of such commission, and upon the person purchasing such exemption producing to the Colonel or

Commanding Officer of the regiment to which he belongs, a certificate from the Treasurer of the Island of his having made one of such payments as aforesaid, he shall be exempt from serving in the Militia for twelve months, which certificate shall not be granted by the Treasurer unless he is satisfied as to his qualification by the oath of the party applying, which oath the Treasurer is hereby authorized to administer in all cases in which any such certificate is applied for, and such exemption may be renewed annually on payment of the like sum: Provided always, That every person liable to serve in the Militia as aforesaid, who may be incapable from bodily defect, or infirmity, of performing Militia duty, who shall make oath thereof before a Field Officer, or some Justice of the Peace, in the words following—"I do solemnly swear, that in consequence of bodily infirmity, (or a bodily defect,) arising from —, "I am wholly unable to do any Militia duty required by the Militia Law of this Island;" and produce a certificate to the Colonel or Commanding Officer aforesaid, shall be exempt from serving in the Militia for twelve months next ensuing.

Invalids to take oath herein, &c.

11. And be it further enacted, That if any person, after having enlisted or enrolled as aforesaid, in any regiment, shall remove out of the parish of such regiment into any other parish, he shall, within twenty-eight days after such removal, and in case twenty-eight days shall not intervene between the time of such removal and the next muster day in course, then previous thereto, cause himself to be enrolled in the regiment of the parish to which he shall remove, and shall thereof obtain, and bring a certificate from the Commanding Officer of the regiment into which he shall so have removed and enrolled his name, and lodge the same with the Commanding Officer of the regiment in which he has served, under a penalty, on conviction thereof, of Five Pounds; and if the Commanding Officer shall refuse to give such certificate, when requested, to any person removing from his abode as aforesaid, he shall incur a penalty of Five Pounds; one-half to the use of the party aggrieved, and the other half to be paid into the Public Treasury.

Persons removing to another parish after enrolment, to cause themselves to be enrolled in the regiment of the parish to which they remove.

12. And be it further enacted, That the Colonel or Commanding Officer of each regiment formed and organized under this Act, shall annually and every year cause the Paymaster of such regiment to make a true and exact copy of the names of all persons given in and enrolled with him, to be kept for regimental purposes, and the said Paymaster shall also make up a general return of the number of persons enrolled, agreeably to the Schedule hereto annexed, marked with the letter A, and also a roll of the officers with the dates of their respective commissions, in time to be delivered during the month following such enrolment, to the Adjutant-General of the Militia, for the information of the Commander-in-Chief, and each Paymaster neglecting or omitting his duty herein, shall incur a penalty of Five Pounds; and if either of the Field Officers of any regiment shall neglect or refuse to enrol any man whom he shall know to be liable to serve in the regiment to which such Field Officer belongs, such Field Officer shall, for every man so neglected, or refused to be enrolled by him, incur a penalty of Five Pounds.

Commanding Officers to cause copy of the names of persons enrolled to be made annually to Paymaster. Paymaster's duties.

Field Officer refusing &c. to enrol persons subject to a penalty.

13. And be it further enacted, That the uniform and equipment of the Militia of this Island shall be as herein directed: for officers, a red jacket with blue cape and cuffs, white metal buttons, of such pattern as the Commander-in-Chief shall approve and direct, which said buttons shall, in the first instance, be provided at the public expense, by the Treasurer of the Island: regulation sword with black leather waist-belt, with plate according to pattern, approved as above: blue cloth forage cap, with silver lace band, also according to pattern, approved as above: the shell jackets to have the blue shoulder straps, with the crescent and lace of silver. Majors to wear on the straps, the star; Lieutenant-Colonels, the crown; and Colonels, the crown and star; boots with white trousers. All mounted officers to be provided with holsters, saddle-cloth and military bridle, bit and collar according to pattern, to be approved as above; for

Uniform and equipments.

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Serjeants, Corporals, and Privates, a red coatee, with blue cape and cuff, with like buttons, to be provided in manner as aforesaid; a round black cap with white ball for grenadier and battalion companies, and green ball for light infantry companies, with cap-plate, having the number of the regiment on it; those of grenadier and light infantry with grenade and bugle in addition, respectively; white trousers and white gaiters; musket with sling and bayonet complete, and white leather cross-belts, secured by a white leather waist-belt, with breast-plate, prickier, turn-screw and worm, flints, brush, and cartouch box, to carry twenty-four rounds of cartridges, each Serjeant to be also provided with a fusil and bayonet: Provided always, that it shall be lawful for any Regimental Officer to supply himself with blue frock coat and dress uniform, according to such pattern as shall be determined upon by the Commander-in-Chief, and be deposited with a Board of Officers as hereinafter mentioned; which undress and dress uniforms may be worn on such occasions other than at parade, as may be required, and the undress and dress uniforms of all Militia Staff Officers, shall correspond with those of officers of the same rank and department in her Majesty's army, silver lace and appointments being substituted for gold.

Parades to be monthly
on Friday from 8 to
12 o'clock.

Penalty for absence or
incomplete equipment.

14. And be it further enacted, That all persons enrolled in the Militia foot, as hereinbefore provided, shall duly make their appearance completely clothed, armed, equipped, and accoutred as aforesaid, by eight o'clock in the morning, on the first Friday in every month, at their usual place within their respective parishes, to be drilled, disciplined, and kept under arms, from eight to twelve o'clock at noon, at the option of the Commanding Officer present; and every officer and non-commissioned officer, who shall not make his appearance at the hour aforesaid, or appearing shall not be armed, clothed, and accoutred in the manner required by law, shall respectively incur the following penalties:—each Field Officer, the sum of Five Pounds; each Captain and Adjutant, Three Pounds Fifteen Shillings; each Lieutenant, Two Pounds Ten Shillings; each Ensign and other commissioned officer, One Pound Seventeen Shillings and Sixpence; and each non-commissioned officer, One Pound Five Shillings; and each private, musician, drummer, and fifer, who shall not appear at the hour aforesaid, shall incur a penalty of One Pound Five Shillings; and every private, musician, drummer, and fifer, appearing not completely armed, clothed, and accoutred, according to the provisions of the law, shall incur a penalty of Six Shillings and Three Pence for each article in which he may be deficient, or which shall be in an unserviceable state; Provided always, that the amount of all the sums for the articles in default or unserviceable, do not exceed at any one time the sum payable by such defaulter, in case of his non-attendance; and every person who shall be absent from duty more than once in succession, without being able to excuse himself by one or other of the causes in this Act mentioned, shall forfeit and pay for the second offence, double the sum imposed for the first offence, and for the third offence treble the sum imposed for the first offence; and, in the event of his absenting himself in like manner a fourth time, he shall be liable to be tried and punished by a Regimental Court Martial: Provided also, that the Governor and Commander-in-Chief for the time being, may dispense with the turning out of the Militia or any regiment or corps thereof, at such times and for such periods as he shall think proper.

Governor may dis-
pense with Militia
meetings.

Commanding Officers
&c. to make alphabet-
ical rolls annually in
February, and take
same with form of re-
turn to their parades
under a penalty of 50s.

15. And be it further enacted, That the Commanding Officer, or, in his absence, the senior officer or non-commissioned officer present, of every company in each of the said regiments of Militia, shall, in the first week of, and previous to the muster day in the month of February, in each and every year, provide himself from the general roll of the regiments, with an alphabetical roll of the respective companies to which they shall severally belong; which roll, together with a form of the return hereafter mentioned, each of the above-mentioned officers and non-commissioned officers shall severally take with them to the place

of meeting of their respective regiments, whenever the same shall assemble or meet, in order that it may be the better ascertained who are absent at such meeting; and every such officer or non-commissioned officer neglecting to obtain such roll or form of return, or to bring the same with him to the place of meeting of the company to which he belongs, as hereinbefore required, shall, for every such default, incur a penalty of Fifty Shillings.

16. And inasmuch as it is expedient, that the form of return should be the same in all the regiments of the Island: Be it further enacted, That the Captain, Commanding Officer, or senior non-commissioned officer present with each company, at any meeting of the same, shall make a regular return thereof, agreeably to the form to this Act annexed, marked with the letter B, noting the absence, defects of dress, arms, and accoutrements; and the said Captain or other officer, or non-commissioned officer, shall sign the said return, and deliver the same to the Colonel or Commanding officer of the regiment; and the said Colonel or Commanding Officer, shall, within one week next after the parade day, on which the same shall have been incurred, send in copies of such returns certified by himself, to the Adjutant-General of Militia; and all such defaulters shall be allowed fourteen days from the day on which such penalty is incurred, to make application for a remission of the same to their Commanding Officer, stating the grounds thereof, which said application the said Commanding Officer shall, immediately after receiving the same, forward to the Adjutant-General; but no application shall be received by the said Commanding Officer, after the expiration of the said fourteen days: and it shall be the duty of the said Adjutant-General, on obtaining the decision of the Commander-in-Chief thereon, to forward a list containing the names of all defaulters, whose fines are to be collected, to the Treasurer, who is forthwith to cause the same to be placed in a conspicuous place in his office, and to publish such list of defaulters in the official newspaper of this Island; and such publication shall be sufficient notice to the several defaulters that their fines are to be paid; and every defaulter who shall neglect or omit for the space of fourteen days after such publication by the Treasurer, to pay the penalty incurred by him, into the Treasury of this Island, it shall thereupon be the duty of the Treasurer to cause the same to be levied in the manner hereinafter mentioned.

Form of return.
Returns to be made to Commanding Officers, who within a week after parade to send copies to Adjutant-General.

Defaulters allowed 14 days to apply for remission to Commanding Officers, who are to forward same to Adjutant-General immediately.
Adjutant-General and Treasurer how to act with returns.

17. And be it further enacted, That the arms, clothing, ammunition, or accoutrements of any non-commissioned officer, private, musician, drummer, or fifer shall not, on any account, be liable to be sold or attached for any debt, duty, fine, or imposition whatsoever; and any constable or other officer levying upon, or attaching, or selling any part of the arms, clothing, ammunition, or accoutrements of any non-commissioned officer, private, musician, drummer, or fifer, shall, for each and every such offence, incur a penalty of Ten Pounds.

Arms, clothing, &c. not liable to attachment for debt.

Penalty for attaching same, 10*l*.

18. And whereas non-commissioned officers and privates, serving in the Militia, are in the habit of discharging their fire-arms after parade duty is over, either on their muster ground, or from thence along the roads: Be it enacted, That before each company shall be dismissed from the said parade or muster, the Commanding Officer or non-commissioned officer of such company, shall cause such non-commissioned officer or private, whose fire-arms may happen to be loaded, to discharge the same, and every non-commissioned officer or private who shall, after having been discharged from duty by his Commanding Officer, fire off and discharge his fire-arms, or suffer or permit the same to be fired off, and discharged by any other person, either on the muster-ground of the regiment to which he belongs, or in and along any road, street, lane, or other place, such non-commissioned officer or private so offending, shall, for every such offence, incur a penalty of Six Shillings and Three Pence.

Discharging fire-arms after parade or in road, &c., subjects offender to penalty of 6*s*. 3*d*.

19. And be it further enacted, That the Commander-in-Chief of this Island for the time being, in support of the dignity of the Government

Commander-in-Chief may order out Militia

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on public occasions,
&c.

Persons exempt from
Militia duty.

Proviso in case of
alarm.

Owners of 5 or more
acres of land, or of a
house or houses of
the yearly rent of 30*l*.,
to pay for each acre of
land 1*s*. 6*d*., and 3*d*.
in the pound on rents
between 1st July and
1st October annually.
See Act 1 Aug. 1851,
substituting 8*d*. per
annum, and 2*d*. in the
pound on houses.

Proviso.

Proviso.

of this Island, shall and may direct the Commanding Officer of any regiment to call out what number he may think proper of the said regiment to attend him upon any public occasion on which he may deem such attendance proper: Provided, that such regiment be not carried out of its parish; and the Commanding Officer and all other officers of such regiment, on every such occasion shall make the same returns, and exercise the same authorities, as are granted to them in and by this Act, respecting the regular days of general muster, and shall give implicit obedience to all orders of such Commander-in-Chief for the time being; and all officers, non-commissioned officers, and privates, who shall be returned as being absent, or in any default on any of the occasions aforesaid, shall incur the like forfeitures and penalties as are imposed on them by this Act for not attending, or being in default, on the general muster day of their regiment.

20. Provided always, and be it further enacted, That the several persons hereinafter mentioned shall be and they are hereby exempt from Militia duty in their own persons; that is to say, the President and Members of her Majesty's Council, the Speaker of the General Assembly, the Ministers of the Established Church, also all licensed officiating Ministers of other religious denominations, the Secretary, Treasurer, and Storekeeper of the Island, the Clerk of the Crown and Peace, the Provost-Marshal and his gaolers, the Postmaster, all Students at any college or school, all Police Magistrates and Officers, the Harbour-Master and Health Officer, and the Clerk of the Market and two Toll-keepers. And provided also that no commissioned officer on the half-pay of her Majesty's army or navy, and no commissioned officer in the Militia of Great Britain or any of her Majesty's Colonies, shall be compelled to serve in the Militia of this Island: Provided always that all persons exempt from the performance of Militia duty (excepting the Members of her Majesty's Council, the Speaker, and Secretary, Clerks in holy orders, and Ministers of other religious denominations, the Treasurer and Clerk of the Crown and Peace, and the Keeper of the common gaol) shall in case of alarm forthwith appear at the head-quarters of the regiment of the parish in which they reside, and be prepared to perform such duty as shall be required of them by the Commanding Officer of such regiment, or as the Commander-in-Chief for the time being shall direct or sanction.

21. And whereas every person possessed of a certain quantity of land, or of a house or houses of a certain yearly value, is compelled by the laws now in force, to provide and send to serve in the Militia one able-bodied man properly accoutred, in respect of thirty acres of land, and of every house or houses of the yearly value of one hundred pounds so possessed by him: And whereas it is deemed expedient to substitute a certain annual payment in lieu of providing such billeted men as has been heretofore accustomed: Be it therefore enacted, that on or before the first day of October in the present year, and between the first day of July and first day of October in the next and each succeeding year, every person possessed of five acres of land or more, or of a house or houses within any part of this Island, of the yearly rent or value in the whole of thirty pounds, shall pay into the Public Treasury for each and every acre, the sum of One Shilling and Sixpence Three-farthings, and at the rate of Threepence in the Pound upon the rent of such house or houses. Provided always, that every person possessed of land or houses as aforesaid, who serves in his own person or purchases his exemption, shall for the first thirty acres of land, or yearly rent or value of one hundred pounds per annum, be exempted from the tax aforesaid, in respect of the said first thirty acres, or of the said rent or value of one hundred pounds per annum, and shall only be liable in such case for the tax aforesaid for each acre of land exceeding thirty acres, and for the excess of the said yearly rent or value over and above one hundred pounds. Provided always, that in cases where persons are possessed of land, and a house or houses thereon attached, the tax aforesaid shall not be assessed on both

the land and the house or houses, but the said tax shall be paid either for the land, or for the house or houses thereon, whichever shall afford the largest tax, anything hereinbefore contained seeming to the contrary notwithstanding; and in default of payment of the tax aforesaid, the Treasurer for the time being shall issue a warrant for levying and raising the same, as in the case of servants' wages.

22. Whereas, proprietors of sixty acres of land or more, have been also heretofore permitted at their own option either to send two billeted men or one tenant to serve in the Militia, giving to such tenant two acres of land on lease for one year only: And whereas it might operate as a hardship on those persons who are now serving as such tenants, suddenly to abolish such system altogether: Be it therefore enacted, that every such proprietor of land who at the last allotment shall have sent any tenant or tenants to serve in the Militia, may continue to send at his option as aforesaid, such person or persons so enrolled to serve as a tenant or tenants in like manner as heretofore, until the month of January, One thousand eight hundred and forty. Provided also, that where the widow of any tenant shall be in possession of the tenement for which her husband in his lifetime served, such widow, with the consent of the landlord, shall be permitted to send an able-bodied man to serve for the said tenement as heretofore.

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In default Treasurer to issue a warrant for levying tax.

Proprietors may continue to send tenants until January, 1840.

Widow of tenant may send a man to serve.

23. And whereas, in order to facilitate the collection of the said tax on land and rents, and the better to ascertain who are liable to pay the same: Be it enacted, That the Vestries of the respective parishes of this Island shall, within ten days after this Act shall come into force in this Island, and on the twenty-fifth day of March in every succeeding year, or within twenty days after, appoint not less than four or more than eight of their own body, who together with the Churchwarden of every such parish, shall proceed to ascertain the number of acres of land, and the number of houses liable to pay the said tax in every such parish, and the names of the proprietors thereof, and they shall also ascertain and assess the yearly rent or value of such houses: And before entering on such duty the Vestrymen so chosen, and the Churchwarden of such parish, shall respectively take the following oath, which shall be administered to them by the eldest Vestryman then present, that is to say—

Vestries—on 25th March yearly or within 10 days—to appoint assessors of land and houses to act with Churchwarden.

"I (A. B.) do swear that I will fairly and impartially ascertain and assess the yearly rent or value of the houses liable to be taxed, and the quantity of land in the parish of as directed by a certain Act of this Island, entitled, 'An Act to consolidate and amend the several Acts relating to the Militia of this Island, and to provide for the better organization of the same.' So help me God."

Oath of assessors, &c.

And for the better ascertaining the yearly rent or value of such houses, and the quantity of such land, and to whom the same belongs, it shall and may be lawful for the said assessors, any or either of them, to examine any person or persons on oath touching the same, and it shall also be lawful for the said assessors, or any or either of them, at seasonable times in the day-time, to visit any such houses, and to put such questions touching the yearly value and ownership thereof to any person or persons in the possession or occupation thereof, as such assessor or assessors shall deem proper for the purpose as aforesaid, and every person refusing to answer such questions on oath or affirmation, shall incur a penalty of Five Pounds current money of this Island, to be recovered as servants' wages before any Justice of the Peace of such parish, on complaint of any such assessor or assessors, and paid into the Public Treasury for the uses of the Island.

Assessors, their powers.

24. And be it further enacted, that the Churchwarden of every parish of this Island shall within forty days after the passing of this Act, and, on or before the first day of June in the following and every succeeding year, make an alphabetical return to the Treasurer of the Island of the

Churchwardens on or before 1st June annually to make alphabetical returns to the Treasurer of the

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owners of houses and land as herein provided.

Penalty on Vestryman and Churchwarden for neglect of duty.

Treasurer to proceed for penalties under a forfeiture.

Town property to be assessed as heretofore.

Treasurer to make lists as herein, and lay same before Legislature.

Aggrieved persons to apply to Governor and Council for relief.

Treasurer to apply to Adjutant-General, &c. for copies of enrolments.

Tax on lands and rents to be paid between 1st July and 1st October yearly.

Treasurer to give notice.

Appropriation of tax.

names of the persons owning such houses and land in his parish, which return shall state the amount of rents possessed, and the number of acres of land owned in such parish by such person or persons, which return shall be signed by the Churchwarden making the same; and in case any Churchwarden or any Vestryman appointed to act as an assessor, shall refuse or neglect to perform the duties required of him by this Act, every such Churchwarden and every such Vestryman shall incur a penalty of Twenty Pounds current money of this Island, to be recovered on complaint before any Justice of the Peace as servants' wages, and to be paid into the Public Treasury for the uses of the Island; and the Treasurer of the Island is hereby required and directed to proceed for the recovery of such penalty, under the pain of forfeiting the sum of Twenty Pounds like current money, to be recovered before the Police Magistrates of Bridge-Town, half to the informer, and half to the uses of the public: Provided always, nevertheless, that nothing herein contained shall interfere with or alter the present mode adopted by the Vestries, in assessing the rents of houses in any of the towns of this Island; and the Churchwardens in making up the returns required to be made by them by this Act, are hereby directed, so far as houses in towns are concerned, to govern themselves by the amount of rent assessed by the Vestries. And the Treasurer of the Island is hereby required from the return so made to him by the respective Churchwardens, to make out an alphabetical list of the names of all persons owning lands and possessing rents in this Island, which list shall state the number of acres owned by each and every such person and persons, in each and every parish of this Island, and the total number of acres in the Island owned by each and every such person and persons, and the total number liable to pay the said tax, and the total number of acres exempted from the payment of the said tax, and also the amount of rents possessed by each and every such person or persons, in each and every parish, and the total amount of rents by each and every person or persons in the Island, and the total amount of such rents liable to pay the said tax, and the total amount of such rents exempted from the payment of such tax, and shall lay such list before the Legislature of this Island at its first sitting after the said list shall be completed; and any person who shall feel himself or herself aggrieved by anything contained in such list, may apply by petition to the Governor and Council for relief; who are hereby authorized to hear the case in such manner, and afford such relief as they shall think the petitioner justly entitled to.

25. And for the better ascertaining the quantity of land, and the amount of rents exempted from the payment of the said tax: Be it enacted, That the Treasurer of the Island shall apply through the Adjutant-General of the Island, to the Commanding Officers of the respective regiments or corps, to be furnished with copies of the last annual enrolment of persons liable to serve in the Militia, and such Commanding Officers are hereby required to furnish such copies accordingly.

26. And be it further enacted, That every person liable to pay the said tax on lands and rents, shall pay the same to the Treasurer of the Island for the time being, some time between the passing of this Act, and the thirty-first day of October in this present year, and some time between the first day of July and the first day of October, in every succeeding year, and the said Treasurer is hereby required to give notice thereof, at the same time that he advertises for receiving the tax imposed on mills, carriages, horses, and dogs.

28. And be it further enacted, That moneys raised under this Act, shall be applied in maintaining the Militia and police officers of this Island, and for such other uses as the Legislature of the Island shall provide by any Act or Acts to be hereafter passed.

29. Forasmuch as the safety and security of this Island, during a state of war, depend very much in speedily giving and setting forth an alarm, and forasmuch as the nature of the forces that may come to

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Alarms—how to be set forth.

invade this Island during a time of war, will in all likelihood be best and soonest known to the Commander-in-Chief of this Island: Be it therefore enacted, That when and so soon as a declaration of war shall happen and be known in this Island, between Great Britain and any other power, the Governor or the Commander-in-Chief for the time being, is hereby empowered by and with the advice and consent of the Council, from time to time, to declare how many ships or vessels shall be sufficient to give an alarm, and also to appoint how the alarm shall be set forward and discharged; which appointment when agreed on, the Governor or Commander-in-Chief for the time being, is required to cause a publication thereof to be made in such manner as he shall deem best, to the end that the inhabitants may know their duty in this particular, and after such publication, if any person shall fail in setting forward an alarm by the signs to him appointed, according to the best of his power with all diligence, he shall for every such offence, on conviction thereof before any Justice of the Peace, be adjudged to forfeit and pay the sum of Twenty-five Pounds, which, if not paid into the Public Treasury of this Island, for the public use, within one month of such conviction, he shall suffer Three Months' imprisonment unless the fine be sooner paid; and whatever person or persons shall raise or spread any false alarm, not having any good ground for so doing, shall forfeit and pay such penalty or penalties as the Commander-in-Chief, with the consent of the major part of the Council, sitting in Council, shall think fit to impose: Provided that such penalty or penalties do not exceed the sum of Fifty Pounds current money on any one person; and the same when so imposed, shall be levied and raised by warrant, from under the hand and seal of the Commander-in-Chief for the time being, and be paid into the Treasury: Provided always, that until the Commander-in-Chief for the time being, after the happening of war as afore-said, shall publish what number of ships shall be sufficient to cause an alarm, every person shall upon sight of six square-rigged or topsail vessels, give an alarm to the Island.

Penalty for not setting forth.

Penalty for spreading false alarm.

During war six square rigged vessels cause of alarm.

30. And be it further enacted, That all persons liable to serve in the Militia in this Island shall, on an alarm being raised, immediately repair to the respective alarm posts assigned to the several regiments to which they may belong, armed and accoutred as by this Act is appointed; each non-commissioned officer or private with twenty-four ball cartridges fitted to the bore of his musket; such persons as reside within a mile of the alarm posts, within half-an-hour: and such persons as reside at a greater distance, within twenty minutes for every additional mile they are distant from the alarm posts, under a penalty, if a commissioned officer, of Ten Pounds, and if a non-commissioned officer or private, of Five Pounds for each default; and also under the like penalties in addition to the aforesaid penalties, for every twenty-four hours that such defaulter shall continue absent, or remain in default, in respect of arms, accoutrements and ammunition, till such alarm shall be discharged: Provided always, that every person who shall happen to be from his habitation or place of residence at the time an alarm shall be raised, and who cannot conveniently attend his post or station within the time hereinbefore prescribed, shall appear armed and accoutred in the best manner he is able, at the nearest alarm post or station where he shall then happen to be, and on producing a certificate from the Commanding Officer under whom he did duty, and if proved on oath that he could not conveniently attend his own post, in his said regiment, the same shall be sufficient to free and discharge him from any penalty, for non-attendance at his proper post.

On alarm all persons liable to serve in Militia to repair to alarm posts armed, &c.

Proviso as to persons happening to be from home, &c.

31. And whereas, it may sometimes happen, that the several regiments in this Island, or some or one of the companies of the same, or part thereof, should be called out and kept on duty when there is reason to apprehend an attack from a foreign enemy, or any internal commotion or insurrection, although an alarm may not be raised in the Island: Be it therefore enacted, That it shall and may be lawful to and for the Commander-in-Chief of this Island, for the time being, when there shall be

Commander-in-Chief may call out Militia, &c., in case of apprehended attack, or internal commotion.

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Not to be kept out
longer than 24 hours
after danger be over.

Disobedience—
penalty for.

How to be provided
for when called out if
unable to provide
themselves.

Provides for the poor
disabled, maimed, &c.,
in defence of the
Island.

Mutiny and insubordi-
nation of non-com-
missioned officers and
privates, punished by
fine and imprison-
ment, to be awarded
by general or regi-
mental Court Martial.

reason to expect an attack, or internal commotion or insurrection, to call out and keep on duty, all or either of the regiments in this Island, or any one or more of the companies thereof, or any part thereof: Provided that the regiment or such parts thereof as may be called out, do not continue longer on duty than twenty-four hours after such vessel or vessels are out of sight, or the danger of such expected commotion or insurrection be over; and every person refusing obedience to the orders of the Commander-in-Chief, for the time being, in not giving his attendance, properly armed, provided, and accoutred, and within the same given time as is required of him by the immediately preceding Clause of this Act in case of alarm, shall be subject and liable to the like penalties as are imposed, by the said Clause, for every breach of duty in this particular.

32. And be it further enacted, That if on any of the occasions mentioned in the two preceding Clauses of this Act, any of the persons so serving in the Militia, shall be unable to furnish themselves with food, they shall be furnished by the order of the Commanding Officer of the regiment to which they shall belong, and the expense thereof defrayed out of the Public Treasury, upon the certificate or draft of such Commanding Officer, not exceeding the sum of one shilling and sixpence three-farthings per day for each man.

33. And to the intent, that encouragement may be given to all such persons as shall boldly oppose the common enemy: Be it enacted, That if any poor man, not married, shall be disabled or maimed in the defence of this Island, he shall receive from thenceforth yearly, out of the Public Treasury of the Island, the sum of twenty pounds; but if a married man he shall receive the sum of thirty pounds per annum; and if it shall happen that any such poor person, who is a married man, shall lose his life in the service aforesaid, his widow shall, during her widowhood, receive out of the treasury the sum of twenty pounds per annum; which said several sums of money shall be paid by the order of the Commander-in-Chief for the time being in Council, upon his being addressed for that purpose by the General Assembly of this Island.

34. And be it further enacted, That every non-commissioned officer or private of the several regiments aforesaid, who shall begin, raise, abet, countenance, excite, cause, or join in any mutiny, sedition, or disturbance, in the regiment or company to which he belongs, or in any party, post, detachment, or guard, on any pretence whatsoever, or who, being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, or who, on coming to the knowledge of any mutiny, or intended mutiny, shall not without delay give information thereof to his Commanding Officer, or who shall strike his superior officer, or who shall draw, or offer to draw, or lift up any weapon, or offer any violence against him, or shall challenge, or send, or cause to be sent, or shall carry a challenge to, or insult, abuse, or affront him, either by word or gesture, being in the execution of his duty, or after the regiment, company, or detachment to which he belongs shall be discharged for any matter or thing done, or pretended to have been done, by such superior officer, whilst on duty, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, or who shall refuse or neglect to perform such military duty as shall be legally required of him, or who shall, without leave from his Commanding Officer, leave or quit his regiment or company, or any party, detachment, or guard thereof; or whatsoever non-commissioned officer or soldier shall advise or persuade any other non-commissioned officer or soldier to quit his regiment or company, or any party, detachment, or guard thereof, without leave from his Commanding Officer; or whatsoever sentinel shall be found sleeping on his post, or shall leave it before he is regularly relieved; or whosoever shall make known the sign and countersign to any person who is not entitled to receive it, or who shall give a parole or watchword different from what he received, or who shall be found drunk on duty, and being convicted of any or either of the

said offences, either by a general or regimental Court Martial, shall suffer such fine or imprisonment, or either, as such general or regimental Court Martial shall think fit to inflict or award; such fine not to exceed the sum of One Hundred Pounds, and such imprisonment not to exceed Twelve Months.

35. And be it further enacted, That if any commissioned officer shall commit any of the offences in the preceding clause specified, and shall be thereof convicted by a general Court Martial, he shall suffer such fine as the Court may think fit to inflict or award, not exceeding the sum of One Hundred Pounds and in addition thereto be deprived of his commission. And the warrant for the holding of any general Court Martial, as also the writ or warrant for carrying the sentence of the Court into execution shall be, and the same are hereby directed to be drawn and prepared by the Judge Advocate of this Island for the time being, or the person acting as such.

Mutiny, &c., of Officers, besides fines or imprisonment, subjects them to lose their Commissions.

36. And be it further enacted, That it shall and may be lawful for the officer commanding and present with any regiment, company, detachment, party, division, or guard, called out under any of the provisions of this Act, and not being under the rank of Captain, to order, when he shall think it necessary, a regimental Court Martial to be held for the trial of any offence committed by any non-commissioned officer or private, under and during his command, for any or either of the offences specified in the thirty-fourth clause of this Act; which regimental Court Martial shall consist of not fewer than five commissioned officers, and the President thereof not to be under the rank of a Captain, the majority of whom may either convict or acquit the party charged: and the members composing such regimental Court Martial shall be summoned by warrant from under the hand of the Commanding Officer directing such Court Martial, at least ten days previous to the time when the same is appointed to be holden; and every member assisting at such trial, before any proceedings shall be had thereupon, shall take the following oaths, which oaths shall and may be administered by the President of the said Court to the other members thereof, and to the President by any member after he hath taken the said oath, that is to say,—

When Officers may order regimental Courts Martial.

“You shall well and truly try and determine according to your evidence in the matter now before you, so help you God.”

“I, A. B., do swear that I will duly administer justice according to an Act or Statute of this Island now in force, entitled ‘An Act to consolidate and amend the several Acts relating to the Militia of this Island, and to provide for the better Organization of the same,’ without partiality, favour, or affection; and if any doubt shall arise which is not explained by the said Act, then according to my conscience and the best of my understanding. And I do further swear that I will not divulge the sentence of the Court until it shall be approved by the Commanding Officer of the regiment to which the prisoner belongs, neither will I upon any account, at any time whatsoever, disclose or discover the vote or opinion of any member of the Court, unless required to give evidence thereof by a Court of justice, or a Court Martial in a due course of law. So help me God.”

And the sentence of every Court Martial shall in every case be submitted to the Commanding Officer of the regiment to which such detachment or division shall belong, for his approval thereof, who shall cause such sentence to be put into execution, mitigated, or remitted, as he shall in his discretion think best for the service.

37. And be it further enacted, That the Governor or Commander-in-Chief for the time being may from time to time grant a warrant under his hand and seal, for the holding of any general Court Martial, to any Colonel or other Field Officer of the militia of this Island, authorizing and empowering such officer to convene a general Court Martial for the

Commander-in-Chief may grant warrants for general Courts Martial.

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Sentence of Court
Martial to be sub-
mitted for his
approval.
Proviso.

General Court
Martial, how com-
posed.

To select constable,
swear members, &c.

Courts Martial—their
power to summon and
swear witnesses.

Oath of members of
Courts Martial.

trial of any of the offences specified in the thirty-fourth clause of this Act, to meet at any time not less than fifteen days after notice thereof, whether such offences, or any of them, shall have been committed previously to, or after such Governor or Commander-in-Chief shall have taken upon himself such command; all which Courts Martial shall be constituted and shall regulate their proceedings according to the several provisions hereinafter specified; and the sentence of such general Court Martial shall, in every case, be submitted to the Governor or Commander-in-Chief for the time being for his approval thereof, who shall cause such sentence to be put into execution, mitigated, or remitted, as he shall in his discretion think best for the service: Provided always that no officer, non-commissioned officer, or private, being acquitted or convicted of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence, unless in the case of appeal from a regimental to a general Court Martial, nor shall the persons so acquitted or convicted be amenable for the same offence to any criminal or civil Court, or in any other manner whatsoever.

38. And be it further enacted, That all general Courts Martial held under the authority of this Act, shall consist of at least thirteen commissioned officers, the President thereof not to be under the rank of a Field Officer, and no officer under the rank of a Captain shall sit on the trial of a Field Officer; and the members of every such Court Martial shall be summoned to attend the said Court by any constable to be selected for that purpose by the President of the Court, and the constable so selected shall be allowed ten days for the performance of the duty thus to be required of him, and shall, for his pains and trouble on the occasion be paid such sum, out of the Public Treasury of this Island, as a majority of the members of the said Court shall certify to the Treasurer of the Island for the time being that he is justly entitled to.

39. And be it further enacted, That all general and other Courts Martial shall have power and authority to summon witnesses; if a general Court Martial, by warrant from under the hand of the Judge Advocate, or person acting as such; and if a regimental Court Martial, by warrant from under the hand of the officer directing such Court Martial; and the said Court shall have power to administer an oath to every witness for the due examination and trial of any of the offences that shall come before them, provided always that in all trials by general Courts Martial to be held by virtue of this Act, every member assisting at such trial, before any proceeding be had thereupon, shall take the following oaths before the Judge-Advocate or his deputy, who is hereby authorized to administer the same, that is to say:—

“You shall well and truly try and determine according to your evidence in the matter now before you, so help you God.”

“I, A. B., do swear that I will truly administer justice according to an Act of this Island now in force, entitled ‘An Act to consolidate and amend the several Acts relating to the Militia of this Island, and to provide for the better Organization of the same,’ without partiality, favour, or affection; and if any doubt shall arise which is not explained by the said Act, then according to my conscience and the best of my understanding; and I do further swear, that I will not divulge the sentence of the Court until it shall be approved of by the Governor or Commander-in-Chief for the time being, neither will I, upon any account, at any time whatever, disclose or discover the vote or opinion of any particular member of the Court, unless required to give evidence thereof by a Court of Justice, or a Court Martial, in due course of law. So help me God.”

And as soon as the said oath shall have been administered to the respective members, the President of the Court is hereby authorized and

empowered to administer to the Judge-Advocate, or the person officiating as such, an oath in the following words:—

“ I, A. B., do swear that I will not, upon any account, at any time
 “ whatever, disclose or discover the vote or opinion of any par-
 “ ticular member of the Court, unless required to give evidence
 “ thereof as a witness by a Court of Justice or a Court Martial
 “ in a due course of law. So help me God.”

Oath of Judge Advocate.

And no sentence shall be given against any offender by a general Court Martial unless judgment shall pass by the concurrence of nine at least of the members thereof, and no proceedings or trial shall be had but between the hours of eight o'clock in the morning and six o'clock in the afternoon, except in cases which may require an immediate example.

Nine members must concur in sentence.

Hours of sitting.

40. And be it further enacted, That all warrants for summoning of witnesses to attend any Court Martial shall be executed by some police officer; and if a copy of the summons for any witness be left at his or her usual place of residence, three days before the trial, with any person, it shall be deemed legal service; and all witnesses duly summoned, either on a regimental or general Court Martial who shall not attend the same, or attending shall refuse to answer all legal questions, or otherwise contemptuously misbehave, shall be liable to be attached and imprisoned, by writ or process, from under the hand and seal of the President of such Court Martial, in like manner as if such witness had neglected to attend or misbehaved on a trial in any of the Courts of Law in this Island; and any witness taking a wilful false oath, or any person procuring or suborning any other so to do, shall be liable to a prosecution at law, and if convicted, shall suffer the like pains and penalties as by law are provided and inflicted on persons convicted of perjury or subornation of perjury.

Witnesses to be summoned by police officer.

Misbehaviour of—how punished.

41. And be it further enacted, That any person who shall be tried by a general or regimental Court Martial shall be entitled to a copy of the sentence and proceedings of such Court Martial, at any time not sooner than ten days after such sentence, whether such sentence be approved or not, on paying for the same at and after the rate of one shilling currency for every folio of ninety words; and every Judge Advocate, or person officiating as such, at any general Court Martial is hereby required to send, with as much expedition as possible, the original proceedings and sentence of such Court Martial to the Judge Advocate General of this Island, to the end that persons entitled thereto may be able, upon application to him, to obtain copies thereof.

Persons tried by Court Martial entitled to copy of sentence, &c. proceedings when, &c.

42. And be it further enacted, That every officer summoned to sit either on a general or regimental Court Martial for the trial of any offender under this Act, who shall refuse, neglect, or omit to attend or sit on such Court Martial, shall, for every such offence, incur a penalty of Ten Pounds.

Officers liable to penalty of 10*l*. for not attending, &c., Court Martial.

43. And be it further enacted, That the person to be tried, either by a general or regimental Court Martial, shall have ten days' notice, in writing, of the time and place when and where the Court is to be holden, &c., and a copy of the charge or charges to be preferred against him; which notice and copy of the charge or charges, shall be served on the person so to be tried by the Adjutant of the regiment to which such person shall belong; and if such person shall be attached to the general staff of the Island, the same shall be served on him by the Adjutant-General of the Militia; and if the person so served shall not appear or send satisfactory reasons for his absence, or if evidence be given of his keeping out of the way to avoid the service of such notice, or appearing he shall stand mute, he shall be found guilty of the offence in such notice contained, and suffer such punishment as the Court would have adjudged had his guilt been established at a trial: Provided always, that no officer, non-commissioned officer, or private shall be liable to be tried and punished by a general or regimental Court Martial for any offence which shall appear to have been committed more than six months before the issuing of the warrant for such trial, unless the person accused, by reason

Charges—notice of when and how to be given.

Accused not attending or remaining mute.

Charges to be brought in 6 months.

Exception.

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of his having absented himself, or some other manifest impediment, shall not have been amenable to law within that period, in which case such person shall be liable to be tried at any time not exceeding six months after the impediment has ceased.

Courts Martial—when they may be held on application of officers, non-commissioned officers, or privates.

44. And be it further enacted, That if any officer shall think himself wronged by his Commanding Officer, and shall, upon due application made to him, be refused to be redressed, he may complain to the Governor or Commander-in-Chief of this Island for the time being for justice, who is hereby empowered to examine into such complaint, and to order a general Court Martial to be held on such Commanding Officer, in order that the party aggrieved may have full redress; and if any non-commissioned officer or private shall think himself wronged by his Captain or any other Officer, he is to complain thereof to the Commanding Officer of the regiment he belongs to, but if such Commanding Officer of the regiment be the person injuring him, or shall refuse to attend to such complaint, he is then to apply to the Governor or Commander-in-Chief for the time being, who is empowered to order a general Court Martial to be summoned for the doing justice to the complainant; and if any person convicted by a regimental Court Martial shall think himself aggrieved in any pecuniary matter by the sentence of such Court, he may, on obtaining the permission of the Commander-in-Chief, appeal to a general Court Martial, which shall be appointed, and shall regulate its proceedings in the manner in this Act directed.

Courts Martial may imprison for contempt.

45. And be it further enacted, That if any person or persons shall use any menacing words, sign, or gestures, or behave contumaciously in the presence of a general or regimental Court Martial then sitting, or shall cause any disorder or riot, so as to disturb their proceedings, such person or persons shall and may be imprisoned, at the discretion of the Court Martial, not exceeding One Month; and the Commanding Officer of the regiment to which any officer to be tried by a general Court Martial may belong, shall, and he is hereby directed to command and require the Adjutant and Orderly Serjeants of such regiment to attend such Court during its sitting, and to attend to and obey the orders of the said Court; and if any of them shall refuse to attend the said Court, or attending, shall refuse to obey the orders of the Court, the person so offending shall incur a penalty of Twenty-five Shillings, for each offence.

Adjutant and Orderly Serjeants to attend Court Martial, &c., under penalty of 25s.

Arrest, exemption from, in respect of Militia duty.

46. And be it further enacted, That during exercising days, reviews, and alarms, and all days on which the Militia shall be legally called out on duty, and for twelve hours after the said duty is over, and they are discharged, all persons serving in the Militia and actually attending their duty, and also all persons serving as members of a general or regimental Court Martial, until such Court Martial shall be dissolved and over, and all witnesses and other persons legally attending such Court Martial, during their necessary attendance, and in going to and returning from the same, shall be privileged from arrests, and all other processes whatsoever, save and except for fines and penalties under this Act; and all persons so privileged shall, for any breach thereof, have their remedy at law against the person or persons who shall commit the same.

Mutiny Act of Great Britain, when in force, &c.

47. And be it further enacted, That in case of actual rebellion, invasion, or insurrection, and in cases of second alarm, all and every the persons serving therein, shall be subject and liable to all the provisions and penalties contained in any Act of Parliament of the United Kingdom of Great Britain and Ireland which shall be in force for punishing mutiny and desertion, and the Articles of War made in pursuance thereof (with the exception of whipping), so long as such invasion, rebellion, insurrection, or second alarm shall last and continue; and during the time of any such invasion, rebellion, insurrection, or second alarm, it shall and may be lawful for the Governor or Commander-in-Chief of this Island for the time being, or the Commanding Officer of any regiment, party, or detachment, to press, or cause to be pressed, under an order in writing under the hand of the Governor or Com-

Pressing of horses, &c., when authorized.

mander-in-Chief for the time being, or the Commanding Officer of any regiment, party, or detachment, carts, waggons, carriages, horses, cattle, harness, drivers, boats, provisions, stock, grain, and victuals, for the use and service of the Militia of this Island, for which the respective owners shall receive full recompense out of the Public Treasury of this Island.

48. And be it further enacted, That the Staff of this Island shall consist of the following officers, to wit—a Judge Advocate, one Military Secretary, one Adjutant-General, one Quarter and Barrack Master General, one Commissary-General, and one Deputy Adjutant-General, and that the Governor and Commander-in-Chief for the time being, shall have any number of Aides-de-Camp he may think fit, with the rank of Lieutenant-Colonel: Provided always, that from and after the passing of this Act, no General Officer shall be permanently retained on the Staff; and the said Staff Officers shall and they are hereby required, to attend the inspection of the several regiments of Militia, whenever the same shall be inspected by the Commander-in-Chief, or by any officer to be by him appointed for that purpose; and such officers shall be subject and liable, for every neglect of duty, to the same penalties as are imposed on officers of the Militia of corresponding rank for any neglect of duty.

49. And be it further enacted, That the several officers of the Militia of this Island now in commission who have not already made a return of their commissions, shall, and are hereby required within one month after the passing of this Act, to make a return of the dates of their commissions to the Colonel or Commanding Officer, to be returned to the Adjutant-General of the Militia, upon pain of standing dismissed by the authority of this Act; and the said Adjutant-General shall, and is hereby required to make and keep a true and perfect roll or list of the same, and of all such other commissions as shall from time to time be issued to officers of the Militia: and the Adjutant-General of the Militia for the time being, shall receive the sum of one pound five shillings for each commission which shall be granted to any officer; such commission to be issued from the office of the said Adjutant-General, and the fee for the same to be appropriated to the expense of his office, and publishing General Orders; and in case any commission shall be lost or destroyed, the same may be renewed on payment of the sum of six shillings and threepence to the said Adjutant-General.

50. And be it further enacted, That all and every the complainants and informants under this Act, for the recovery of any penalty or forfeiture, shall be and are hereby declared to be competent witnesses, unless otherwise disqualified by law.

51. And be it further enacted, That if any person shall in any oath, which he or she may take, under and by virtue of this Act, wilfully swear any matter or thing that shall be false and untrue, such person so offending therein, and being duly convicted thereof at the Court of Grand Sessions, shall be adjudged to suffer, and shall suffer the pains and penalties inflicted on persons guilty of wilful and corrupt perjury at common law.

52. And be it further enacted, That a permanent Board shall be formed for the purpose hereinafter mentioned, and shall consist of the Military Secretary, the Adjutant-General, the Quartermaster-General, the Commissary-General, the Deputy Adjutant-General, and such field officer or officers of Militia as shall be nominated by the Commander-in-Chief; two Members of her Majesty's Council to be nominated by the Governor; the Speaker and two Members of the General Assembly, to be also nominated by the Governor; any three of whom shall constitute a Board: and it shall be the duty of the said Board to superintend the management and provide all necessary supplies of clothing, arms, accoutrements, ammunition, and other articles required for the Militia service, under the provisions of this Act; and such Board shall have authority to dispose of all such guns, fire-arms, and other military stores belonging to any regiment, as are deemed and reported proper to be dispensed with, and

Island Staff—officers
of—their duties.

Adjutant-General—to
keep a roll of com-
missions.

To issue and renew
same—his fee.

Informers competent
witnesses.

False swearing punish-
able as perjury.

Militia Board—of
whom composed—its
duties.

53. And be it further enacted, That it shall and may be lawful for the Commanding Officer of regiments, to apply to the said Militia Board, through the Adjutant-General, for drums, fifes, and colours, necessary for the use of their respective regiments; and the said Board is hereby required to grant the same on obtaining the order of the Governor to that effect. And the said Board is also hereby required, at the public expense, to provide proper places of parade grounds, when not otherwise provided, for exercising the several Militia regiments of foot, or detachments thereof, and the corps of Life Guards; and to enter into contracts for that purpose, and to draw orders on the Treasury for the payment of the rent or hire of such parade grounds; which orders the Treasurer is hereby authorized and directed to pay out of any money belonging to the public in his hands.

54. And be it further enacted, That the town and rural police force shall, when embodied under the orders of the Commander-in-Chief, be subject in like manner with the several corps of Militia to the provisions of the law-martial, under the same regulations as the said Militia.

55. And be it further enacted, that the several fines, penalties, and forfeitures, incurred under the provisions of this Act, shall, unless otherwise specially appropriated, in whole, or in part, be paid into the Public Treasury of this Island, and may be recovered before any Justice of the Peace, and shall be levied and raised in a summary way as in the case of servants' wages.

56. And be it further enacted, That all and every the Acts or Statutes of this Island, in any way relating to the Militia of this Island—save and except an Act entitled “An Act to increase the number and efficiency of the “mounted Militia of this Island,”—shall be and stand annulled, repealed, and made void to all intents and purposes whatsoever.

[illegible]

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Formalities requisite
to render written con-
tracts valid.

2. And be it further enacted, That no written contract for the performance of any such service as aforesaid, shall be in force within this Island, unless it shall be signed with the name, or in case of illiterate persons, with the mark of each of the contracting parties, in the presence of a Police Magistrate or Justice of the Peace, nor unless such Police Magistrate or Justice of the Peace, shall subscribe the written contract in attestation of the fact that it was entered into by the parties voluntarily and with a clear understanding of its meaning and effect, and no such written contract for service shall be valid for more than one year from its date, and shall expire at the close of the stipulated time of service, without any notice on either side for that purpose: and every such written contract shall specify, as accurately as may be, the general nature of the employment in which such servant is to be engaged, and where the contract is for work to be performed not by the piece, but by the time, it shall specify the number of hours of daily labour, and the hours of the day at which such labour is to commence and be suspended, and to recommence and terminate, and the number of days in the week that such service is to be performed; and in cases in which the remuneration, or any part of it, is to be made, not in money but in kind, the contract must specify with all practicable precision, the nature and amount and quality of the articles to be supplied to the servant, and the time when, and the places at which such articles are to be delivered, and all contracts of service to extend beyond one calendar month at a time shall be drawn up nearly as possible in the following terms:—

Form of contract.

“Be it remembered that on this day of in the year of
“our Lord 18 A. B. and C. D. appeared before me E. F. a
“Police Magistrate (or Justice of the Peace) of the Island of
“Barbados, and in my presence signed their names or marks
“(as the case may be) to the following contract of service. The
“said A. B. agrees to hire the services of the said C. D. and the
“said C. D. agrees to render the said A. B. his services in the
“capacity of a for calendar months, commencing on
“the day of instant and terminating on the day
“of in the year . And it is further agreed
“between the said parties that the said C. D. shall be employed
“(in field labour) or (as the case may be), and that the hours
“of labour of the said C. D. shall not be more than daily,
“commencing at the hour of and terminating at the
“hour of with (one hour) (or as the case may be) for
“breakfast at of the clock, and (one hour) (as the case
“may be) for dinner at of the clock daily. And it is further
“agreed that the said A. B. shall pay to the said C. D. as such
“servant as aforesaid wages at and after the rate of by
“the day, week, month, or year (as the case may be), and that
“such wages shall be paid on the day of of each
“(week or month) (as the case may be) and it is further agreed
“that the services of the said C. D. shall be partly or wholly
“(as the case may be) remunerated by the delivery of the
“various articles and allowances specified in the list hereunto
“subjoined, which shall be of such amounts and qualities as
“are specified in the said list, so far as such specification is pos-
“sible. (Here add any special engagement compatible with the
“law and not adverted to in this form.)

“Signed { A. B.
 C. D.

“The preceding agreement was signed by the above-named
“parties in my presence, on the day and year above written
“voluntarily, the same being, as far as I am able to judge, fully
“understood by them respectively.

“Signed E. F.
“Police Magistrate.”

3. And be it further enacted, That on complaint preferred and proof made before any Police Magistrate or Justice of the Peace, of the parish where any service has been agreed to be performed, that any servant has neglected to perform his or her stipulated work, or that he or she has performed it negligently or improperly, or that by negligence or improper conduct he or she has injured the property of his or her master or mistress, entrusted to his or her care, such Police Magistrate or Justice of the Peace may in his discretion adjudge such servant to any one or more of the following penalties:—that is to say, to the payment of any sum of money for the benefit of the master or mistress, not exceeding One Month's wages, or to the commitment of the servant to prison with or without hard labour, for any term not exceeding Fourteen Days or the dissolution of the contract of service.

Servants, in what cases and how punishable for breach of duty, &c., to employers.

4. And be it further enacted, That on complaint preferred, and proof made by any servant before any Police Magistrate or Justice of the Peace, that his or her master, mistress or employer has not paid his or her wages, or delivered to him or her the articles stipulated for, or that the articles so delivered were not of the prescribed quality or quantity, or that by the negligence or other improper conduct of the master, mistress or employer, or his or her manager or agent, the contract of service has not been faithfully performed, or that such master or mistress, or his or her manager or agent has injured the person or property of such servant:—such Police Magistrate or Justice of the Peace may make an order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for both, to an amount not exceeding the sum of Ten Pounds current money of this Island, with damages not exceeding a month's wages, for any injury that such servant may have sustained by the non-fulfilment of such contract on the part of the master or mistress, or employer of such servant; and in case such servant shall have been injured in his or her person or property by any master or mistress, employer or agent, such Police Magistrate or Justice of the Peace may in his discretion adjudge such master or mistress, employer, manager, or agent, to the payment of any sum of money for the benefit of such servant, not exceeding the sum of Five Pounds current money of the said Island; and the said Police Magistrate or Justice of the Peace may also in his discretion discharge such servant from his or her contract of service: Provided always and be it further enacted, That nothing herein contained shall prevent or be construed to prevent any proceeding in any of the Courts of Justice in this Island, for any injury to the person or property of any such master or mistress, committed by any servant or servants, or any injury done or committed by any master or mistress, employer, manager or agent, to the person or property of any servant or servants, if the Police Magistrate or Justice of the Peace before whom any complaint shall be made, shall decline to entertain the same, and shall see fit to refer the same to the ordinary course of law.

Employers, in what cases, and how punishable for breach of duty to servants.

Proviso.

5. And be it further enacted, That if any question shall arise between any master or mistress, or employer or any servant, respecting the meaning of their contract, or the rights of either party under the same, or the obligation imposed on either party thereby, it shall be lawful for the Police Magistrate of the parish or district on the application of either party to arbitrate between them, and make such award as appears to him to be just and equitable, and agreeable to the true and equitable construction of any such contract.

Arbitration. Police Magistrates may arbitrate on questions arising under contracts.

6. And be it further enacted, That in case any servant after the dissolution of his or her contract of service by any of the means aforesaid, shall refuse to quit and deliver up possession to his or her master, mistress, or employer, or to his or her attorney or manager, of any house, room or land which he or she shall have been permitted to occupy as an incident to such service, or shall continue the possession thereof after twenty-four hours' notice to quit the same, every such servant shall be deemed and considered a forcible detainer of such house, room or land,

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Ejection: when servants may be ejected by Police Magistrate from the occupation of houses, &c.
See Act 21 January 1850.

Owners not to eject of their own authority under a penalty.

Proviso as to growing crops planted by servants.

Proviso as to domestic servants.

Enticing away, &c., servants, how punishable.

Complaints under this Act, except for wages, to be brought within one month.

Proceedings under this Act, how to be taken, &c.

and it shall and may be lawful for any Police Magistrate or Justice of the Peace, and he is hereby required on complaint made to him for that purpose, to remove and expel any such servant from such premises; and in case any such servant shall refuse to quit, or in case such servant shall return and occupy such house, room or land, in disobedience of any such order,—it shall and may be lawful, and he is hereby required, to commit every such servant to prison with or without hard labour, for any time not exceeding One Calendar Month; and such servant shall also pay the costs of such application to such Police Magistrate or Justice of the Peace, and all constables or police officers' fees, on pain of being committed to prison for any time not exceeding Fourteen Days; and from and after the passing of this Act, it shall not be lawful for any owner of a house, room, or land, by himself or his agents, to remove or eject any such servant or servants under a penalty not exceeding the sum of Five Pounds current money of this Island, to be recovered before any Police Magistrate in the manner hereinafter prescribed, and paid into the Public Treasury of this Island for the uses of the public, it being the true intent and meaning of this Act that all ejections shall take place under the order and by the direction of a Police Magistrate or Justice of the Peace: Provided always nevertheless That if there shall be any growing crop on the land, which such servant shall have been permitted to occupy as incident to such service, planted with the consent of any such master, mistress or employer, that then such master, mistress or employer shall either permit such servant to reap the same, or shall pay the value thereof to such servant, such value to be ascertained, in case of disagreement, by appraisement under the direction of the Police Magistrate of the parish or district, or the value of any such crop may be taken into consideration towards the discharge of any sum of money which such servant may be awarded to pay to such master, mistress, or employer, by such Police Magistrate or Justice of the Peace: Provided always nevertheless that if any such servant shall of his own free and voluntary act quit the service of his or her master, mistress or employer, that in such cases he or she shall not be entitled to reap such crop, or be entitled to the value thereof: and provided also that nothing in this clause contained shall be construed to apply to any domestic servant who shall have been suffered to occupy any room in the dwelling-house of his or her master, mistress or employer.

7. And be it further enacted, That if any person shall entice away, hire, or knowingly employ any servant, who shall be engaged in any such contract of service as aforesaid; or if any such person shall, after notice given to him or her of the relation in which any such servant stands to such other person, employ any servant, every such person so offending shall, on conviction before any Police Magistrate or Justice of the Peace of the parish, either where such contract of service had been entered into, or where any offence shall have been committed, forfeit for every offence a fine not exceeding the sum of Ten Pounds, nor less than the sum of Two Pounds Ten Shillings current money of this Island, for the use of the party aggrieved.

8. And be it further enacted, That all complaints which shall be brought for the recovery of any penalty, sum, or sums of money or other cause whatsoever under this Act, except the wages due to any servant or servants, shall be commenced within one calendar month next after the cause of such complaint, and not after.

9. And be it further enacted, That it shall be lawful for any such Police Magistrate or Justice of the Peace as aforesaid, and he is hereby required, to issue a summons under his hand and seal, for the appearance of any person or persons against whom any complaint shall be lodged under this Act, before such Police Magistrate or Justice of the Peace, at a certain time and place to be therein specified, which summons shall be served personally, or left at the dwelling-house, lodgings, or place of abode of such person or persons; and such Police Magistrate or Justice

of the Peace is also hereby authorized and required, at the request of the complainant or complainants, or of the person or persons complained against, to issue his summons for the appearance of any witness or witnesses, to give evidence touching such complaint, and in case any such person or persons so to be summoned to give evidence as aforesaid, shall refuse or neglect to appear at the time and place mentioned in such summons (unless prevented by illness or other unavoidable and reasonable cause to be allowed by such Police Magistrate or Justice of the Peace), every such person so neglecting or refusing, shall forfeit and pay for every such offence a sum not exceeding Five Pounds current money of this Island, to be awarded by such Police Magistrate or Justice of the Peace, and in case any such witness shall appear and refuse to be examined on oath or affirmation and to give evidence before any such Police Magistrate or Justice of the Peace, such Police Magistrate or Justice of the Peace is hereby required to commit such witnesses for contempt, for any time not exceeding Fourteen Days.

10. And be it further enacted, That on the hearing of any complaint, in case there shall not be sufficient other evidence adduced by the complainant in support of the complaint, such Police Magistrate or Justice of the Peace may examine the person or persons complained against, on oath or affirmation as aforesaid, but in case such person or persons shall not attend after being duly summoned for that purpose, or shall refuse to be examined, then such Police Magistrate or Justice of the Peace may examine the complainant or complainants on oath or affirmation: and for enforcing payment of all sum and sums of money awarded by such Police Magistrate or Justice of the Peace under this Act together with costs, he is hereby authorized and empowered forthwith, or within seven days from the date of such award, to issue an execution under his hand and seal to be directed to some sworn constable or police officer, who is hereby authorized and required to levy the same on the goods and chattels of the person or persons against whom such execution shall be issued, and sell the same in the manner prescribed by law in such cases; and for want of such goods and chattels, then to attach the body or bodies of such person or persons and deliver the same over to the Provost-Marshall of the Island, there to remain for the periods herein mentioned unless the debt or debts be sooner paid: Provided nevertheless that in case any such person or persons shall be possessed of land or other real estate, then the said execution shall in default of goods and chattels be levied on such land, house, or real estate by such police officer or constable, but such police officer or constable shall not proceed to sell such land, but shall return such execution into the Provost Marshal's office of this Island, and shall endorse thereon a description of the land, houses, or real estate levied on, for the information of the Provost Marshal, who is hereby required to take the same proceedings for the sale of such land, house, or real estate, as if such execution had issued out of any of the Courts of Common Pleas of this Island, and every such Police Magistrate or Justice of the Peace or his successor in office, shall have the like powers touching the real estate so levied on and the sale or disposition thereof, as the Judge of the Court of Common Pleas have or shall or may have touching any real estate levied on by virtue of any execution issuing out of any such Courts of Common Pleas; and for want of sufficiency of such real estate to satisfy the debt and costs specified in such execution together with the fees of the Provost-Marshall, then the said Provost-Marshall shall attach the body or bodies of the defendant or defendants, and commit the same to prison, there to remain for any time not exceeding One Calendar Month, as shall be adjudged by any such Police Magistrate or Justice of the Peace (unless the debt and costs be sooner paid), and all jailers and keepers of prisons are hereby directed and required to discharge such persons accordingly; provided always that the goods, chattels, estate and effects of every such discharged debtor or debtors, or other person or persons, shall be liable

Examination of witnesses, &c., how to be conducted.

Executions, when to be issued and how proceeded on.

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to be taken in execution for the satisfaction of any such debt or sum or sums of money as shall be due and owing under any such execution as aforesaid, notwithstanding the discharge of any such debtor or debtors, or other person or persons, but the person or persons of such debtor or debtors, or other person or persons shall not be afterwards liable to be taken in execution for any debt or debts, or sum or sums of money, in respect of which any such debtor or debtors or other person or persons, shall have suffered such imprisonment as aforesaid.

11. And for preserving uniformity in the proceedings under executions to be issued by virtue of this Act and under the said Act for the more easy and speedy recovery of small debts, Be it enacted, That the proceedings in the said last-mentioned clause of this Act, directed to be taken on executions issuing under the authority of this Act, shall be taken and observed on executions issuing under the said Act, for the more easy and speedy recovery of small debts instead of the proceedings therein prescribed.

Penalties, &c., declared by other Acts to be recoverable as servants' wages, to be proceeded for as herein.

12. And be it further enacted, That in all Acts of this Island wherein any penalty or sum of money is now, or shall be hereafter declared to be recoverable as servants' wages, the same proceedings shall be adopted and taken for the recovery thereof as are hereby declared to be taken for the recovery of sums of money under this Act, except that where any informer or person lodging any complaint is a competent witness, his evidence shall be taken before that of the party accused.

Insolvent Debtors Act, &c.

13. And be it further enacted, That no person or persons taken in execution under this Act, or under an Act of this Island, entitled, "An Act for the more easy and speedy Recovery of Small Debts," shall be entitled to take the benefit of the Insolvent Debtors Act of this Island.

Wilful or corrupt perjury before Police Magistrate, &c., how punishable, &c.

14. And be it further enacted, That in case any person shall make an oath or affirmation, or give evidence in any case depending before any such Police Magistrate or Justice of the Peace, whereby he or she shall commit wilful or corrupt perjury, or be guilty of wilful and false affirming, and thereof be duly convicted according to law, every such person shall incur and suffer the like pains and penalties as any other person convicted of wilful perjury.

Fees to be taken by Magistrates and police officers and paid into Treasury.

15. And be it further enacted, That the Police Magistrates, Justices of the Peace, police officers and constables acting under or by virtue of this Act, shall be entitled to receive and take the same fees as are provided to be had and taken by Justices of the Peace and constables under the said Act of this Island, entitled "An Act for the more easy and speedy Recovery of Small Debts" and no other: Provided always nevertheless, that the fees taken by the Police Magistrates and Justices of the Peace and police officers shall be paid into the Public Treasury of this Island for the uses of the public, but the fees taken by the rural constables shall be for their own use.

Rural constables entitled to fees for their own benefit.

Wages of domestic servants and agricultural labourers, to have priority against personal estate of the deceased to the extent of 5l.

16. And be it further enacted, That in the administration of the estates of deceased persons, the wages due to any domestic servants or agricultural labourers from such deceased persons, shall be paid out of the personal estate of such deceased persons, prior and preferable to all judgments, specialties, or other debts whatsoever due from such deceased persons, not exceeding however the sum of five pounds current money of this Island to any one domestic servant or agricultural labourer.

Appeal.

17. And be it further enacted, That any person who may feel aggrieved by the decision of any such Police Magistrate or Justice of the Peace, may appeal therefrom to the Assistant Court of Appeal.

Forms to be observed in process by Police Magistrates.

18. And for preserving uniformity in the proceedings under this Act: Be it further enacted, That the Police Magistrates and Justices of the Peace acting thereunder are hereby required to adhere to the forms set forth in the Schedule to this Act annexed or as near thereto as circumstances will admit.

SCHEDULE TO WHICH THE FOREGOING ACT REFERS.

Summons to a Party.

BARBADOS.—VICTORIA, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c.

To A. B., Police Officer (or Rural Constable),

Whereas, a complaint hath been made before me Esq., Police Magistrate (or Justice of the Peace) for the parish of in the Island abovesaid by C. D., labourer, that E. F. of the parish of , planter, is indebted to the said C. D., in the sum of twenty shillings currency for servants' wages (or whatever be the cause of complaint insert it here). These are therefore to require you forthwith to summon the said E. F. to appear before me at the hour of in the same day to answer the said complaint, and be you then there to certify what you have done in the premises—Hereof fail not.—Given under my hand and seal this day of 18

(L. S.)

G. H.
Police Magistrate.

Summons to a Witness.

BARBADOS.—VICTORIA, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, &c.

To A. B. (the Witness).

These are to require you to give your personal attendance at the hour of in the forenoon (or afternoon) of Monday (or whatever day) the day of at in the parish of then and there to be examined before me as a witness touching a certain complaint depending before me by A. B. planter against C. D. labourer, on behalf of the said A. B. Hereof fail not.

Given under my hand and seal the day of 18

L. S.

Signed E. F.
Police Magistrate.

Form of Commitment of a Person summoned as a Witness.

BARBADOS.

Whereas C. D. hath been duly summoned to appear and give evidence before me (naming the Police Magistrate or Justice of the Peace who issued the summons), one of her Majesty's Police Magistrates (or Justices of the Peace) for the parish of on this day of at being the time and place appointed for hearing and determining the complaint made by (the complaint) before me against A. B., of having (stating the offence), contrary to the Act or Statute of this Island, made in the third year of the reign of her Majesty Queen Victoria, entitled an Act (insert the title of this Act). And whereas the said C. D. hath not appeared before me at the time and place aforesaid, specified for that purpose, or offered any reasonable excuse for his default (or whereas, the said C. D. having appeared before me, at the time and place aforesaid specified for that purpose, hath not submitted to be examined as a witness, and given his (or her) evidence before me touching the matter of the said complaint, but hath refused so to do), therefore I the said Police Magistrate do hereby, in pursuance of the said Act or Statute, commit the said C. D. to the (describing the prison) there to remain without bail or mainprize for his (or her) contempt for days or until he (or she) shall submit himself (or herself) to be examined, and give his (or her) evidence before me, touching the matters of the said complaint, or shall otherwise be discharged by due course of law, and you (the police officer or other peace officer to whom the warrant is directed) are hereby authorized and required to take into your custody the body of

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the said C. D. and him (or her) safely to convey to the said prison, and him (or her) there to deliver to the jailer or keeper thereof, who is hereby authorized and required to receive into his custody the body of the said C. D. and him (or her) safely to detain and keep pursuant to this commitment. Given under my hand this day of in the year of our Lord 18 .

J. R.
Police Magistrate.

To E. F. Police Officer, and G. H. Keeper of
the Common Jail (or House of Correction)
for the District of (as the case
may be.)

Form of a Writ of Execution.

BARBADOS.—VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, &c.

To G. H. Police Officer (or Constable) Greeting.

We command you to attach any of the goods and chattels belonging to A. B. of the parish of and Island abovesaid, planter, and the same exposed to sale according to an Act or Statute of our said Island, passed on the day of January, 1840, for and toward the payment of the sum of current money of our said Island, due to C. D. agricultural labourer of the parish of according to a judgment obtained against the said C. D. before me, E. F., Esquire, one of her Majesty's Police Magistrates, or (Justices of the Peace) for the parish of aforesaid, being for wages due from the said A. B. to the said C. D. (or as the case may be) and the further sum of for costs and charges: but if you cannot find any goods, &c., then to attach any of the lands, houses, or any other real estate belonging to the said A. B., and return this Writ into the office of the Provost Marshal of the said Island, first endorsing thereon a description of the land, house, or other estate attached.—And we do hereby command such Provost Marshal to dispose of the same according to law, for and toward the payment of the said sum of . But if you the said G. H. cannot find any goods, &c., nor any other estate whereby to make satisfaction, or if the real estate levied on by you and sold by the said Provost Marshal, shall be insufficient to satisfy the debt and charges aforesaid, and the said Provost Marshal cannot find any other estate, goods and chattels of the said C. D. whereby, &c.; then you the said G. H. in the first-mentioned case, and the said Provost Marshal in the last-mentioned case shall arrest the body of the said A. B. and him deliver to the jailer of the common jail of this Island (or to the keeper of the house of correction for the district of as the case may be) who is hereby required him in safe custody to keep for the space of or until satisfaction be made of the debt and charges aforesaid. Hereof fail not. Dated this day of and in the year of our reign.

Teste.

E. F.
Police Magistrate.

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No. 129.

7 January 1840.]—AN ACT for the Suppression and Punishment of Vagrancy.

[Clause 12 has been repealed.]

Preamble.

WHEREAS it is necessary to make provision for the suppression of vagrancy, and for the punishment of idle and disorderly persons, rogues and vagabonds, incorrigible rogues, or other vagrants in this Island: And whereas,

the administration of justice in this Colony is conducted by Police Magistrates, subject to the revision and superintendence of an Assistant Court of Appeal, composed of three Stipendiary Justices appointed by the Crown :

1. Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That every person being able either by labour, or by other lawful means, to maintain himself or herself, or his wife, or his or her children or child, who shall wilfully refuse or neglect so to do, and thereby become burthensome, or render his wife or his or her children, or child, burthensome upon any parochial or other public funds set apart for the relief of the poor, every common prostitute wandering in the public streets or highways, or in any place of public resort, and behaving in a riotous and indecent manner, and every person wandering abroad, or placing himself or herself in any public place, street, wharf, highway, court or passage, to beg or gather alms, or causing or procuring, or encouraging any child or children so to do, shall be deemed an idle and disorderly person within the true intent and meaning of this Act: Provided nevertheless, that no person shall be deemed to be an offender under this Act, by reason of any such begging or gathering alms as aforesaid, or by reason of his or her causing or procuring, or encouraging any child or children so to do, unless it shall be made to appear to the satisfaction of the Police Magistrates before whom he or she shall be charged with such offence, that the offender could by his or her own labour, or other lawful means, or by parochial or other public funds appropriated for that purpose, have been provided with the necessaries of life: And be it further enacted that it shall be lawful for any police magistrate to commit any such idle and disorderly person, being thereof convicted before him by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses, to any lawful place of confinement, there, or on the public streets and highways to be kept to hard labour for any time not exceeding Fourteen Days.

Who shall be deemed idle and disorderly persons.

Proviso.

Idle and disorderly persons how to be dealt with.

2. And be it further enacted, That any person committing any of the offences hereinbefore mentioned, after being convicted as an idle and disorderly person, every person pretending or professing to tell fortunes, or using or pretending to use any subtle craft or device, by palmistry, obeah, or any such like superstitious means, to deceive and impose on any of her Majesty's subjects; every person wilfully exposing to view in any street, road, highway, or public place, any obscene print, picture or other indecent exhibition, every person wilfully, openly, lewdly, and obscenely exposing his or her person in any street, public road, or highway, or in the view thereof, or in any place of public resort, every person endeavouring to procure charitable contributions under any false or fraudulent pretence, every person playing or betting in any street, stelling or wharf, road, highway, or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance, every person having in his or her custody or possession any picklock, key, crow, jack, bit or other implement, with intent feloniously to break into any dwelling-house, warehouse, store, shop, coachhouse, stable, or outbuilding, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him or her any instrument with intent to commit any felonious act, and every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him or her, shall be deemed a rogue and vagabond within the true intent and meaning of this Act, and it shall be lawful for any Police Magistrate to commit such offender, being thereof convicted before him, by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses, to any

Who shall be deemed rogues and vagabonds.

Punishment of

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lawful place of imprisonment, there, or on the public streets or highways, to be kept to hard labour for any time not exceeding Twenty-eight Days; and every such picklock, key, crow, jack, bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, and every such offensive weapon as aforesaid, shall by the conviction of the offender, become forfeited to her Majesty, for the uses of the Colony.

3. And be it further enacted, That every person breaking or escaping out of any place of legal confinement, before the expiration of the term for which he or she shall have been committed or ordered to be confined by virtue of this Act, and every person committing any offence against this Act which shall subject him or her to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be, and duly convicted thereof; and every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him or her, shall be deemed an incorrigible rogue within the true intent and meaning of this Act; and it shall be lawful for any Police Magistrate to commit such offender to any lawful place of confinement, there to remain until the next Court of Grand Sessions then and there to be dealt with as hereinafter directed.

4. And be it further enacted, That it shall be lawful for any police officer or constable whatsoever to apprehend any person who shall be found offending against this Act, and forthwith to take and convey him him or her before some Police Magistrate to be dealt with in such manner as hereinbefore directed.

5. And be it further enacted, That it shall be lawful for any Police Magistrate, upon oath being made before him, that any person hath committed, or is suspected to have committed any offence against this Act, to issue his warrant, to apprehend and bring before him, or some other Police Magistrate, the person so charged, to be dealt with as is directed by this Act.

6. And be it further enacted, That when any such idle and disorderly person, rogue and vagabond, shall give notice of his or her intention to appeal against the conviction of him or her, and shall enter into recognizance as hereinafter directed, to prosecute such appeal, such Police Magistrate shall require the person by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to prove the offence, and to support such conviction, to become bound in recognizance to her Majesty, her heirs and successors, to appear before the Assistant Court of Appeal, to give evidence against such offender, touching such offence; and in case any such person or persons as aforesaid, shall refuse to enter into such recognizance, it shall be lawful for such Police Magistrate to commit such person or persons so refusing to any lawful place of confinement, there to remain until he, she, or they shall enter into such recognizances, or shall be otherwise discharged by due course of law.

7. And be it further enacted, That when any person shall be committed for trial before the said Court of Grand Sessions, charged with being an incorrigible rogue, it shall be lawful for the Court to examine into the circumstances of the case, and on conviction, to order, if they think fit, that such offender be imprisoned in some lawful place of confinement, and there, or on the public streets or highways, to be kept to hard labour for any time not exceeding Six Calendar Months, from the time of making such order.

8. And be it further enacted, That in case any constable or other peace officer, shall neglect his duty in anything required of him by this Act, or in case any person shall disturb or hinder any constable or other peace officer in the execution of this Act, or shall be aiding, abetting or assisting therein, and shall be thereof convicted upon the oath of one or more witness or witnesses, before any Police Magistrate, every such

Incorrigible rogues
who to be deemed.

To be committed for
trial.

Police officer or con-
stables to apprehend
offenders against this
Act, &c.

When Police Magis-
trates, &c., may issue
warrants against of-
fenders under this Act.

Recognizances to be
entered into on ap-
peals.

Court of Grand Ses-
sions may order incor-
rigible rogues to be
imprisoned with hard
labour.

Constables, &c., by
neglecting their duty
under this Act, and
persons ordering them
in the execution of it,
how to be fined.

offender shall for every such offence forfeit any sum not exceeding Twenty Pounds, and in case such offender shall not forthwith pay such sum so forfeited, the same shall be levied and raised as in the case of servants' wages.

9. And be it further enacted, That it shall be lawful for any Police Magistrate, upon information on oath before him made, that any person hereinbefore described, to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is or are reasonably suspected to be harboured or concealed in any house or place, by warrant under his hand and seal to authorize any constable or other person or persons, to enter at any time into such house or place, and to apprehend and bring before him or any other Police Magistrate, every such idle and disorderly person, rogue, and vagabond, and incorrigible rogue, as shall be then and there found, to be dealt with in the manner hereinbefore directed.

Search warrants,

may be granted for apprehending idle and disorderly persons, &c.

10. And be it further enacted, That every conviction of any offender, as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under this Act, shall be in the form or to the effect set forth in Schedule A, hereunto annexed or as near thereto as circumstances will permit: And the Police Magistrate before whom any such conviction shall take place, shall, and he is hereby required to transmit the said conviction to the said Court of Appeal, there to be filed and kept on record, and a copy of the conviction so filed, duly certified by the Clerk of the Court, shall and may be read as evidence in any Court of Record or before any Police Magistrate, acting under the powers and provisions of this Act.

Form of conviction.

Conviction to be transmitted to Assistant Court of Appeal, &c.

11. And be it further enacted, That any person aggrieved by any Act or determination of any Police Magistrate in or concerning the execution of this Act may appeal to the said Assistant Court of Appeal, giving to the Police Magistrate, whose act or determination shall be appealed against, notice in writing of such appeal and of the ground thereof, and entering within seven days into a recognizance with sufficient surety before a Police Magistrate, personally to appear and prosecute such appeal; and upon such notice being given, and such recognizance being entered into, such Police Magistrate is hereby empowered to discharge such person out of custody; and the said Assistant Court of Appeal shall hear and determine the matter of such appeal, and shall make such order therein as shall to the said Court seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall issue the necessary process for the apprehension and punishment of the offender, according to the conviction: Provided always, that such appellant shall be bound to prosecute his said appeal before the said Assistant Court of Appeal, in the manner herein specified within such seven days, and not otherwise or afterwards, anything in any law to the contrary thereof in anywise notwithstanding.

Appeal clause.

12. And for the protection of persons acting in the execution of this Act, be it further enacted, That all actions or prosecutions to be commenced against any such person or persons for anything done in pursuance of this Act shall be laid and tried in the precinct, wherein the fact was alleged to be committed, and shall be commenced within three calendar months after the fact committed, and not otherwise, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if a sufficient sum of money shall have been paid into Court, after such action brought by or in behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action, after issue joined, the defendant shall recover treble costs, and have the like remedy for the same as any defendant hath in law in other cases; and though a verdict be given for the plaintiff in any such action, such

Protection of persons acting in execution of this Act.

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plaintiff shall not have costs against the defendant, unless the Court before which the trial shall be, shall certify its approbation of the action.

Schedule A.

BARBADOS to wit

In the parish (or town) of

Be it remembered that on the _____ day of _____ in the year of our Lord _____ at _____ in the said Island is convicted before me _____ for that he the said _____ did (specify the offence, and time and place, when and where the same was committed, as the case may be) and I the said _____ adjudge the said _____ for the said offence, to be imprisoned or to solitary confinement in the _____ and there kept to hard labour for the space of _____ days ensuing from the date hereof, this day to be accounted one. Given under my hand and seal, the day and year first above mentioned. A. B.

Police Magistrate.

No. 130.
8 January 1840.

No. 130.

8 January 1840.]—AN ACT to prevent the dissemination of Small Pox in this Island by Inoculation.

Preamble.

WHEREAS mischievous and ignorant persons may undertake to disseminate the small pox by inoculation, and it is expedient to protect the health and lives of her Majesty's subjects and others from so wicked and dangerous a practice: Be it enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and immediately after the passing of this Act, any person or persons who shall or may be found disseminating the disease of small pox by inoculating with small pox virus, shall, on complaint of any person or persons before any Justice of the Peace, to be proved by the testimony of one or more credible witness or witnesses, be convicted in the penalty of One Hundred Pounds, current money of this Island, for each and every person so inoculated; and in default of immediate payment of the said sum, to be committed by the said Justice to the common gaol, there to remain without bail or mainprize, for the space of Six Calendar Months, unless the said fine or fines be sooner paid; one half of the said fine or fines to be to the informer, and the other half to the Queen's most excellent Majesty, to be paid into the Public Treasury for the uses of this Island.

Inoculating for small pox subjects offender to a penalty of 100*l*. for every person inoculated.

Penalty on persons having the small-pox for exposing themselves.

2. And be it further enacted, That from and after the passing of this Act, should any person or persons labouring under the disease of the small pox, wittingly and wilfully expose himself or herself, or any other person labouring under the same disease, in any of the public roads, streets, alleys, or other public places of this Island, so as to endanger the health or lives of any person or persons, every such person or persons so offending shall, on complaint before any Justice of the Peace, to be proved on the testimony of one or more credible witness or witnesses, be convicted in a sum not exceeding Twenty-five Pounds, current money of this Island; and in default of payment be committed to the common gaol, or any house of correction, there to remain without bail or mainprize, for any time not exceeding Three Months, unless the said fine or fines be sooner paid: Provided always, that no proceeding under this Act shall be taken against any person offending against the same, and who shall be labouring under small pox, until such person shall have completely recovered from the disease.

Proviso.

No. 131.

No. 131.
21 March 1840.

21 March 1840.]—AN ACT to amend two certain Acts of this Island, one entitled “An Act to prevent the Clandestine Deportation of young Persons from this Island,” and the other entitled “An Act to regulate the Emigration of Labourers from this Island, and to protect the Labourers in this Island from impositions practised on them by Emigration Agents.”

[Clauses 2 and 3 have been repealed.]

WHEREAS it is deemed expedient that the penalties declared in and by the first clauses of the aforesaid Act, entitled “An Act to prevent the Clandestine Deportation of Young Persons from this Island,” should apply only to the abduction of children under twelve years of age: Preamble.

1. Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, That the first clause in the said last-mentioned Act, shall apply only to the case of children, under the age of twelve years and not under the age of sixteen years as therein is provided. And that the second clause of the said last-mentioned Act, shall apply to the case of young persons over the age of twelve, and under the age of twenty-one years.

Amends former Act.

4. Provided nevertheless, and be it further enacted, That if any person be convicted before any Police Magistrate of any offence punishable by this Act, or by the said Act, entitled “An Act to prevent the Clandestine Deportation of Young Persons from this Island,” and shall think himself or herself aggrieved by the judgment of such Police Magistrate, before whom he or she shall be convicted, such persons shall have liberty to appeal from every such conviction to the Assistant Court of Appeal, and the execution of every such judgment so appealed from, shall be suspended, in case the person so convicted shall immediately enter into recognizances before such Police Magistrate, which he is hereby authorized and required to take, himself or herself in the sum of Fifty Pounds, and two sufficient sureties in the sum of Twenty-five Pounds each, current money of this Island, if such conviction be a first conviction for any such offence, but if a subsequent conviction then in the sum of One Hundred Pounds with two sufficient sureties in the sum of Fifty Pounds each, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said Court of Appeal, and to pay such costs as the said Court shall award on such occasion; and if upon hearing such appeal, the judgment of the Police Magistrate before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately be committed by the said Assistant Court of Appeal to the common gaol of this Island, without bail or mainprize, according to such conviction, and for the space of time therein mentioned, unless in case of a first conviction, the sum adjudged to be paid by the Police Magistrate giving such judgment, shall be paid.

Appeal to Assistant Court of Appeal.

No. 132.

No. 132.
16 April 1840.

16 April 1840.]—AN ACT for laying a Duty on Horses, Mules, and Asses, imported into this Island.

WHEREAS it is deemed expedient to impose a duty on horses, mules, and asses, imported into this Island: Be it therefore enacted by His Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, a Preamble.
See Trade Act.

No. 132.
16 April 1840.

Duties payable on
horses, mules, and
asses, imported.

duty or imposition shall be laid on all horses, mules and asses, imported into and landed in this Island after the rate following, that is to say, for every horse, gelding, or mare, the sum of two pounds twelve shillings current money of this Island, for every mule the sum of one pound nineteen shillings like current money, and for every ass the sum of thirteen shillings like current money, and which said duty or imposition shall be paid to the Treasurer of the Island for the time being, by the importer or consignee, or by the master of the vessel importing such horses, mules, or asses.

2. And be it further enacted, That the master of every vessel or other person in charge of the same, in which any horses, mules, or asses, may be imported into this Island, shall before the departure of the said vessel, appear before the said Treasurer and make oath (which oath the said Treasurer is hereby authorized to administer), of the number of horses, mules and asses imported and landed in the Island from his said vessel for the then voyage, and the said Treasurer is hereby authorized, empowered, and directed not to grant a clearance to any vessel importing horses, mules, or asses, to depart the Island, until the oath aforesaid shall be taken before him, and the duty and imposition aforesaid paid into his office on all the horses, mules, and asses, imported and landed from the said vessel.

No. 133.
4 June 1840.

No. 133.

4 June 1840.]—AN ACT for incorporating the Members of a Society, formed for the establishment and maintenance of a Hospital, for the reception and treatment of the Sick Poor.

Preamble.
See Acts of
11th August 1858 and
14th November 1873.

Trustees declared.

Directors.

WHEREAS certain of the inhabitants of this Island have united themselves for the purpose of establishing and maintaining, by voluntary contributions, a hospital for the reception and treatment of the sick poor; and whereas such a charitable institution will be highly beneficial to the community at large, and it is apprehended, that the incorporating the members thereof, and giving them the powers and authorities hereinafter conferred, may greatly facilitate the prosecution of their charitable designs, and may induce many charitable and well disposed persons materially to increase the funds of the Society: We, your Majesty's dutiful and loyal subjects, the Governor, Council, and Assembly, of this your Island of Barbados, do humbly beseech your Majesty that it may be enacted, and be it therefore enacted, by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, That the Governor and Commander-in-Chief of this Island, the President of her Majesty's Council, the Lord Bishop of the diocese, the Speaker of the House of Assembly, the Attorney-General and Solicitor-General of the Island for the time, and the Honourable Renn Hampden, the Honourable Joseph William Jordan, and the Honourable William Oxley, shall, and they are hereby declared to be Trustees of the said Institution; and that all and every person and persons who have given, or shall hereafter give a donation to the amount of twenty pounds currency, for and towards the support of the Institution, shall be Directors for life of the said Hospital; and every person who shall have subscribed and paid, or shall subscribe and pay, the sum of five pounds current money of this Island, or upwards, towards the support of the said Institution, shall be an annual director for so long, and during such time as he shall continue to pay an annual sum of five pounds, provided that every person after the payment of five such successive annual subscriptions, shall be from thenceforth a Director for life. And the said Trustees and Directors, and all others who shall be elected in the manner hereinafter mentioned, shall be, and they are hereby

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declared and adjudged to be one body corporate and politic, in deed, name, and in law, by the name of "The Barbados Hospital Society, for the relief of the Sick Poor;" and that by the same name they shall have perpetual succession, and shall and may use a common seal for the business and affairs of the said Society, with power to change, alter, break, and make new the same, when, and so often as they shall judge the same to be expedient; and that they and their successors, by the same name, may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all or any Court, or Courts of Record, and places of judicature, and before any Judge, Justices, or Officers within this Island, in all and singular actions, pleas, suits, plain's, maters, and demands of what kind or quality soever they shall be, and may act and do in all matters and things relating to themselves and their corporate property, real and personal, in as ample a manner and form, and as fully and effectually as any other of her Majesty's subjects lawfully may or can, and that they and their successors, by the name aforesaid, shall be able and capable in law, to have, hold, receive, enjoy, possess, and retain for the ends and purposes of this Act, all such goods, chattels, and effects, sum and sums of money, and securities for money, as have been given or bequeathed, or have been by them purchased or accumulated, or which shall at any time or times hereafter be paid, given, or bequeathed by any charitable or well-disposed person or persons, or which shall be purchased or accumulated by the said Society of what nature, value, or amount soever, to and for the charitable ends and purposes of the said Society; and that they and their successors by the name aforesaid, shall and may for ever hereafter, be persons able and capable in the law, to purchase, have, take, hold, receive and enjoy to them and their successors, messuages, lands, rents, tenements, annuities, and hereditaments of what nature or kind soever in fee, and in perpetuity or for terms of lives or years, not exceeding the yearly value of five thousand pounds current money of this Island, in all issues beyond reprises, for the better carrying on the charitable end and designs of the said Society, and to enable them to build a hospital in the parish of Saint Michael in the said Island, with proper offices, and for the investment of the capital and funds for the time being of the said Society; and that all lands, tenements or hereditaments already purchased in the names of the Trustees of the said Institution, shall be, and the same are hereby declared to be vested in the corporation as fully as if the same had been purchased by such corporation; and the said corporation shall have full power to sell, grant, demise, exchange and dispose of any of the same messuages, lands, rents, tenements, and hereditaments whereof or wherein they shall have any estate or interest as aforesaid.

Society incorporated under the name of "The Barbados Hospital Society for the relief of the Sick Poor."

May sue and be sued, &c.

May hold personal property to any amount and real property to the amount of 5000l. per annum.

Lands, &c., already purchased and declared to be vested within corporation, with grant to sell, &c.

2. And be it further enacted, That it shall and may be lawful for any person or persons, bodies politic or corporate, their heirs and successors respectively to give, grant, sell, alien, assign, devise, bequeath, or dispose of in mortmain in perpetuity or otherwise, to or for the use and benefit of or in trust for the said Society and their successors, any messuages, lands, tenements, rents, annuities, and hereditaments whatsoever not exceeding the yearly value of five thousand pounds current money as aforesaid, above all charges and reprises, and any sum or sums of money to any amount, and any goods and chattels of whatsoever value for the charitable purposes of the said Society, all which gifts, grants, conveyances, assignments, bequests, and dispositions, the said Society are hereby authorized and enabled to receive, accept, and hold.

Society may take by gift, demise, &c. lands, &c., real, exceeding 5000l. per annum.

3. And be it further enacted, That any five or more of the Directors of the said corporation shall compose a general Court. And the said Directors or any Court of them shall nominate and appoint a Building Committee to superintend the erection of the hospital, and the repairs and improvements which shall be required from time to time. And that when the hospital shall be nearly ready for the reception of patients, a general meeting of Directors shall be called, when if there shall be a

General Courts composed of five or more of the Directors. Building Committee.

No. 133.
4 June 1840.

House Committee.

Expense Committee.

Meeting of Directors to appoint Committees to be held on the first Wednesday in January annually, unless altered by bye-laws. General Courts to be held four times a year. Power of general Courts.

Consent of trustees necessary in buying, selling, or leasing lands, &c.

Bye-laws, &c., when to be made.

sufficient number of Directors present to form a general Court, such general Court shall appoint the following other Committees, that is to say:—A House Committee to conduct the general internal arrangement of the hospital according to the regulations made and to be made by the Directors, and an Expense Committee, consisting of three life Directors, to examine, audit, and prepare for the inspection of the Trustees, all the accounts and expenses of the establishment, and that a meeting of the Directors for the purpose of appointing the Committee by a Court of Directors shall be held on the first Wednesday in the month of January in every year afterwards, unless such annual day shall be changed by any bye-law to be made in pursuance of the powers after contained. And that a general Court shall also be held four times at least in every year, that is to say, on the first Thursday in February, on the first Thursday in May, on the first Thursday in August, and on the first Thursday in November; and the members of the said corporation assembled at any such general Court as aforesaid, or at any general special Court to be held as aftermentioned, or the major part of them so assembled (but the members so assembled not to consist of less than five Directors,) shall have full power and authority in the name of the said corporation, and on their account, to apply and dispose of the moneys, goods and effects already given and accumulated, and which shall from time to time be contributed or given by any person or persons on account of the said charity, and of all moneys and effects belonging or to belong to the said hereby created corporation, to and for the purposes aforesaid, and to and for, or in any other purpose, way, matters or thing relating to the said charity, and for the benefit thereof at their discretion, and to purchase or agree to purchase, or to take upon lease, or to sell or agree to sell, or let lands, tenements or hereditaments, and to direct the investment of money, or the sale or change of securities, and the general disposition and management of the property of the said corporation, and with and under their common seal to enter into any covenants and contracts for the purposes aforesaid, or for any other purpose or purposes for the better effecting and carrying on the charitable uses and designs aforesaid, and to do, manage and transact, and determine all such other matters and things as shall to them appear necessary and convenient for the effecting or carrying on the purposes aforesaid, and shall and may delegate such powers and authorities to the Committee or Committees for the time being, and place at their disposal such sum or sums of money as they shall think necessary for the more speedy and effectual execution of this Act, and the charitable designs of the said Society. Provided always nevertheless, that no lands, tenements, or hereditaments, shall be purchased or leased, or agreed to be purchased or leased, nor shall any lands, tenements, or hereditaments be sold or let, or agreed to be sold or let, nor shall money belonging to the said Institution, be invested, nor shall any securities belonging to the said Institution be changed or sold without the consent in writing of the major part of the Trustees residing in this Island at the time of every such purchase, lease, sale, or letting of any such lands, tenements or hereditaments, or investment of any money or change or sale of any such securities as aforesaid.

4. And be it further enacted, That it shall be lawful to and for the said corporation in general quarterly, adjourned general or special Court assembled only, or the major part of them so assembled, to consist of not less than five Directors, to order and dispose of the custody of their common seal and the use and application thereof, and to make, ordain, and constitute such and so many bye-laws, constitutions and ordinances, for the government of the officers and servants of the said corporation, and of the patients for the time being under their care, and for the transaction of the business of the said Society, as the members present at any such general Court (not less than five being Directors being present), or to the greatest part of them, shall seem necessary and

convenient; and the same bye-laws, constitutions and ordinances so as aforesaid made, shall be duly kept and observed, provided the same be reasonable and not contrary or repugnant to the laws of this Island, or to the laws or Statutes of Great Britain and Ireland in force in this Island.

5. And be it further enacted, That the Directors or any Court of them shall have power and authority, and they are hereby authorized and empowered from time to time to appoint Sub-committees, each Sub-committee to consist of three or more Directors, and to invest such Sub-committees with such delegated powers, and limited by such instructions, as to the said Directors or any Court of them shall seem meet, for the transaction of and inquiry into any of the affairs and business of the said corporation, which it shall from time to time be the duty of the Directors to transact and superintend.

Sub-committees may be appointed by a Court of Directors.

6. And be it further enacted, That the Trustees for the time being shall also be Directors by virtue of their offices.

Trustees declared Directors.

7. And be it further enacted, That the Directors or any Court of them, shall, from time to time, and at all times as occasion shall require, have power, and they are hereby directed from time to time to appoint a treasurer, auditor or auditors, chaplain, physician, surgeons, apothecaries, solicitors, secretaries, collectors, or other superior officers, as shall be necessary for the transaction of any of the affairs and business of the said corporation, for so long and upon such conditions, and with such salary, emoluments, and perquisites, to be paid and allowed out of the funds and effects of the said Society, as to the said Directors or any Court of them for the time being shall seem meet, and all which salaries and emoluments the Treasurer of the said Society is hereby required, from time to time, to pay and allow out of the funds and effects of the said Society: but all or any of which officers may be, from time to time, removed by the Directors or any Court of them, and by whom all vacancies may be filled up; and the appointment and removal at pleasure, of all or so many inferior officers and servants of the said corporation, as shall be required, shall from time to time be made by the House Committee, for the time being, with such salary and wages as the majority of the members composing the House Committee shall think right; all which salary and wages the Treasurer for the time being shall pay and make good out of the funds and effects of the said Society, on a certificate that such salary and wages are due, signed by three of the members of the House Committee.

Court of Directors to appoint treasurer and other officers.

And fix salaries, &c.

May remove officers, &c.

House Committee to appoint and resume inferior officers.

8. And be it further enacted, That until otherwise directed by any rule, order, or bye-laws to be made as aforesaid, it shall and may be lawful to and for the treasurer for the time being of the said corporation, and he is hereby authorized and required from time to time, to place to the credit of the said hospital in one or more of the banks of this Island, all or any sum or sums of money as hath or have been given, devised and bequeathed, or shall at any time or times hereafter, be paid, given, devised or bequeathed by any charitable or well-disposed person or persons, to and for the charitable ends, intents, and purposes of the said Society, or any moneys received on account of the said Society.

Treasurer to place moneys in the banks.

9. And be it further enacted, That the moneys arising from any sale or sales, or so much thereof as shall not be again laid out and invested in the purchase of some other lands, tenements, or hereditaments, or some other stocks, funds, or securities, and also all dividends, interests, and annual proceeds, which shall from time to time arise from such funds, shall from time to time be applied to and for the charitable use of the Society.

Moneys to be applied for charitable purposes of Society.

10. And to the intent that there never may be wanting a competent number of members of the said hereby created corporation, and for perpetuating the succession thereof, Be it further enacted, That it shall and may be lawful to and for the members of the said corporation, at any general, annual, or quarterly meeting, or adjourned meeting, or the major

Honorary members may be elected.

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part of them that shall be then present, but the number then present not to consist of less than five, to elect and choose some other fit and able person and persons to be a member or members, either as honorary members, or in the room of such members as may have died off, or have ceased to be subscribers.

11. And be it further enacted, That all questions upon the proceedings of said corporation at any meeting of the Directors, shall be decided by vote, and in case of any equality of votes, the chairman of the meeting shall have the casting vote, but otherwise he is not to vote, but no question shall be decided without the presence of five Directors.

12. And be it further enacted, That all and every officer or servant of the said corporation, shall from time to time, when thereunto required by any three or more Directors, make and render to the Directors, or any Court of them, a true, exact, and perfect account in writing, under his or her hand, or their respective hands, upon oath, to be taken before two or more Directors, which oath, any two or more of the Directors are hereby empowered to administer, of all moneys, stores, and effects, which he, she, or they, and every of them respectively, shall to that time have received, paid, dispersed, or been entrusted with by virtue of this Act, or by reason of their respective offices; and in case any money or effects, the property of the said Society shall remain in their or any of their hands, the same shall be paid or handed over to the Directors, or any five or more of them, or to such person or persons as the Directors, or any Court of them, shall appoint to receive the same; and in case any such officer or other person shall not make and render or shall refuse to verify upon oath or affirmation, any such account, or to make such payment or delivery as aforesaid, then any one or more of the Justices of the Peace for the town or parish of Saint Michael, shall and may upon complaint to him or them, make inquiry of and concerning such default in a summary way, as well by confession of the parties themselves as by the testimony of one or more credible witnesses or witness, upon oath (which oath the said Justice or Justices, are hereby empowered and required to administer); and if such officer or person shall be convicted of any such offence, such Justice or Justices, shall upon such conviction commit the party offending to prison, there to remain without bail or mainprize, until he or she shall have made a true and perfect account and payment as aforesaid, or until he or she shall have compounded and agreed with the Directors or any Court of them, and paid such composition money, which composition the said Directors or any Court of them, are hereby empowered to make.

13. And be it further enacted, That if any action shall be brought, or suit commenced against any person or persons for anything done in pursuance of this Act or in relation to the premises or any of them, every such action or suit shall be laid or brought within two calendar months next after the grievance committed, and the defendant and defendants in such action, may plead the general issue, and give this Act and a tender of amends before action brought, or the special matter in evidence at any trial to be had thereafter, and that the act or matter was done in pursuance and by the authority of this Act, and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or the jury shall not consider the party aggrieved entitled to more than the amends tendered, then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become non-suit or suffer a discontinuance of his or her or their action or actions, or if a verdict shall pass against the plaintiff or plaintiffs, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have double costs, and shall have such remedy for recovery of the same as any defendant or defendants hath or have for costs in other cases of law.

14. And be it further enacted, That this Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices and others, without specially pleading the same.

Questions to be decided by vote.

Officers of society may be compelled to render accounts on oath.

And in case of refusal may be proceeded against in a summary manner.

Protective clause.

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No 134.
6 June 1840.

6 June 1840.]—AN ACT to amend the Representation of the people of this Island, and to declare who shall be liable to serve on Juries.

[Clause 20 had its effect; 31, 40, 44, 45, 46 repealed; and 50 repeal clause.]

WHEREAS it is desirable that the several Acts of this Island relating to the election of members of the General Assembly should be consolidated into one Act, and amended, that the qualification of the members of the said Assembly should be altered, that the elective franchise should be extended, that all persons qualified to elect or to be elected for the said Assembly should be capable of serving on juries, and that all persons entitled to vote for the election of members of the Assembly should also be qualified to elect vestrymen in the parishes where their qualification lies: We your Majesty's most dutiful and loyal subjects, the representatives of the people of this, your Majesty's Island of Barbados, do humbly beseech your Majesty that it may be enacted:

1. And be it enacted by his Excellency, Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, every male subject of her Most Gracious Majesty, not being a clerk in holy orders, or other minister in religion, who shall have attained twenty-one years of age, and who shall be absolutely and beneficially seized and possessed as owner and proprietor of thirty or more acres of land in this Island in fee simple, or fee tail, with a dwelling-house thereon, of not less than the value of five hundred pounds current money of this Island, or who or whose wife shall have and be beneficially interested in an estate of freehold, for his or her life, or some greater estate either in law or equity, in any lands or tenements in this Island, of not less than the annual value of two hundred pounds current money of this Island, and whether such lands or tenements be in the occupation of such person, or rented or leased out; provided the rent received be not less than two hundred pounds currency of this Island, and that the renting or leasing, be a *bonâ fide* renting or leasing, and the person claiming to be qualified in respect thereof, or his wife be entitled to such rent, for his or her own use and benefit; and every such male subject as aforesaid, who shall have a clear income of not less than three hundred pounds current money of this Island, per annum, derivable from his profession, office or trade, from dividends in the public funds or stocks of Great Britain, or being the interest of money secured on mortgage in this Island over real estate, exceeding the value of the money secured thereon, shall be qualified to be elected a Member of the General Assembly, to represent any parish or the town of Bridge-Town, in this Island.

2. And be it further enacted, That every person who shall be elected a Member of the Assembly, before voting or sitting therein, during any debate, shall deliver into the Clerk of the Council, a statement in writing, signed by such Member, of his qualification in the following form, that is to say:

"Qualification of A. B., elected a Member of the Assembly, for the
 "parish of _____, or the town of Bridge-Town in this Island;
 "thirty acres of land in fee, situate in the parish or parishes
 "of _____ bounding (state the boundaries) with a dwelling-
 "house thereon, of the value of five hundred pounds current
 "money, and upwards. Signed A. B."

Or, "An estate for life (or as the case may be) in (state the nature
 "of the property and where situate,) of the annual value of two
 "hundred pounds current money of this Island, and upwards.
 "Signed A. B."

Preamble.
Qualification required for representatives.

Members of Assembly to make the statement and declaration herein of their qualification before sitting or voting, and—

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Or, "An income of three hundred pounds current money of this Island and upwards, derived from my profession or trade as (stating the profession or trade) or from (stating from what source such income is derivable). Signed A. B."

And shall make the following declaration, before the Governor and Council:

"I, A. B., do solemnly declare, that I am truly and *bonâ fide* qualified to be elected a Member of the Assembly of this Island, according to the true intent and meaning of an Act of this Island, entitled 'An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on 'Juries,' and that the statement delivered in and signed by me, is a true and correct statement of such qualification."

(Which declaration shall be signed by such Member). And every person who shall be elected a Member of the Assembly before voting or sitting therein, shall also take the oaths required to be taken by Members of the Parliament of the United Kingdom of Great Britain and Ireland.

3. And be it further enacted, That any person so elected a Member of the Assembly, who shall give in a false statement of his qualification, or shall make a false declaration of such qualification, shall forfeit the sum of One Hundred Pounds current money of this Island, to her Majesty, her heirs and successors, one half to the use of the person who shall sue for the same, and the other half to the use of the public, which forfeiture shall be recoverable in an action of debt, in any Court of Record in this Island, with costs of suit, and the person convicted of having made such false statement or declaration, shall not be eligible to sit in the then existing, or in any future House of Assembly.

4. And be it enacted, That if any person elected a Member of the Assembly, shall presume to sit and vote before having made the statement and declaration, and taken the oaths hereinbefore mentioned, his election shall be void, and a new writ issued.

5. And be it enacted, That each of the parishes in this Island shall as hitherto, return two Members to serve in the General Assembly of this Island.

6. And be it enacted, That the town of Bridge-Town, in the parish of Saint Michael, shall at and from the next general election, which shall take place after this Act shall come into force, return two Members to serve in the General Assembly of this Island.

7. And be it enacted, That every male subject of her Majesty, her heirs, and successors, who shall have attained twenty-one years of age, and who shall be absolutely and beneficially interested in an estate of freehold for his own life, or in right of marriage, or as the dower of his wife, or for some greater estate, either in law or equity, in any lands or tenements in this Island, of not less than the annual value of twenty pounds current money of this Island, and whether such lands or tenements be in the occupation of such person, or rented or leased out, provided the rent received be not less than twenty pounds current money of this Island, and that the renting or leasing out be a *bonâ fide* renting or leasing, and the person claiming to be qualified in respect thereof be entitled to said rent for his own use and benefit; and every such male subject as aforesaid, who or whose wife shall be entitled for his or her life, to the rents and profits issuing out of any lands or tenements in this Island, to the amount of twenty pounds current money of this Island, per annum, and upwards; and every such male subject as aforesaid, who shall be entitled either as lessee or assignee to any lands or tenements, whether of freehold or any other tenure whatever, for the unexpired residue, whatever it may be, of any term originally created for a period of not less than five years, and the yearly rent received under such lease, shall be not less than the sum of one hundred pounds current money of this Island; and every such male subject as aforesaid, who shall occupy within any of the towns of this Island, any house, warehouse, store,

take the oaths herein.

Penalty for making a false statement or declaration, or

for sitting or voting before making the statement and declaration.

Two members to be returned for each parish.

Bridge-Town to return two members.

Qualification required for voters.

counting-house, shop, or other buildings being either separately or jointly occupied with any land within such town, and parochially rated at not less than fifty pounds current money of this Island, rent per annum; and every such male subject as aforesaid, who shall for two years next preceding his claim to vote at any election, have paid taxes assessed by the vestry of the parish, for which he claims to vote to the amount of not less than five pounds current money of this Island, per annum; shall be entitled to vote for the election of a Member or Members of the General Assembly of this Island, for the parish in which any such person shall possess such qualification, as by this clause is required: Provided always, nevertheless, that if the property conferring the qualification by this clause, be situated within the limits of Bridge-Town, that the person possessing such qualification, shall be entitled to vote for Members to serve for the town of Bridge-Town, in respect thereof, and not for the parish of Saint Michael, whether he shall or shall not have acquired the right to vote for the said town of Bridge-Town, in respect thereof; and provided also, that if the qualification be in respect of the payment of taxes and the tax paid be assessed to the amount of five pounds per annum, and upwards, in respect of any trade or business carried on in Bridge-Town, that the person or persons paying such tax, shall be entitled to vote for Members to serve for the town of Bridge-Town, in respect of such tax, and not for the parish of Saint Michael whether he shall or shall not have acquired the right to vote for the town of Bridge-Town, in respect thereof; anything hereinbefore contained to the contrary notwithstanding.

8. And be it enacted, That the annual value of any house, or houses or tenements, in respect of which any right to vote shall be claimed, shall be determined in the first instance, and until an objection is made thereto, according to the amount, at which the same shall be rated for the purpose of parochial or general taxation, but when any objection shall be made to such rate, or such property shall not be rated, then the value thereof shall be proved to the satisfaction of the persons, by this Act authorized to register votes.

Annual value of houses and land how to be ascertained.

9. And be it enacted, That all joint tenants, and tenants in common, who shall have and be beneficially interested in an estate of freehold for their lives, or for some greater estate in law or equity, in any lands or tenement in this Island, shall be qualified to vote in the election of any member or members for the Assembly; provided the said lands and tenements shall be worth, or the rent payable for the same, shall be at least as many times twenty pounds current money, as aforesaid, per annum, as there are joint tenants, or tenants in common, of the same.

Joint tenants and tenants in common, when entitled to vote.

10. And be it enacted, That the premises in respect of the occupation of which any person shall be entitled to vote in the election of a member or members for the Assembly, shall not be required to be the same premises, but may be different premises, occupied in immediate succession by such person, during the twelve calendar months next, previous to his claim to be registered.

Occupants need not hold the same premises during the year.

11. And be it enacted, That when any premises as aforesaid, shall be jointly occupied by more persons than one as tenants, each of such occupiers shall be entitled to vote in the election of a member or members, to serve in the General Assembly, provided the clear yearly value of such premises shall be of an amount, which, when divided by the number of such occupiers, shall give a sum of not less than fifty pounds current money as aforesaid, for each and every such occupier, but not otherwise.

Joint occupants, when they may vote.

12. And be it further enacted, That copartners in trade or business, shall be entitled to vote in an election for Members, to serve in the General Assembly, in respect of such taxes as aforesaid, paid by them, provided the whole amount of such annual taxes, shall give an amount of at least five pounds for each.

Copartners, when entitled to vote as rate-payers.

13. And be it enacted, That no person shall be allowed to have any Mortgage and

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cestui que trust in
possession may vote.

Where lands giving
the qualification lies
in different parishes,
qualification to be for
the parish where the
greatest quantity lies.

By this Act alone are
qualifications con-
ferred.

Voters must be regis-
tered.

Registration—who are
entitled to be regis-
tered as voters.

vote in the election of a Member or Members to serve in the Assembly, for or by any reason of any trust, estate or mortgage, unless in the case of a mortgage, the mortgagee be in the actual possession or receipt of the rents and profits of the same estate, but that the mortgagee cestui que trust in possession or receipt of the rents and profits shall and may vote for the same estate, notwithstanding such mortgage or trust.

14. And whereas it may happen that a person may be possessed of an estate, or interest in lands or tenements, of a sufficient value to qualify him to vote in any such election as aforesaid, but such lands or tenements though adjoining may be situate in different parishes: Be it therefore enacted, That where land, situate in two or more parishes, shall join, such person shall be qualified to vote in the election of any Member or Members, to serve in the Assembly for the parish in which the greater part of the said land lies.

15. And be it enacted, That no person shall be entitled to vote in the election of a Member or Members to serve in any future House of Assembly, save and except in respect of some right conferred by this Act.

16. And be it enacted, That notwithstanding anything hereinbefore contained, no person shall be entitled to vote in the election of a Member or Members to serve in any future House of Assembly, unless he shall have been duly registered according to the provisions hereinafter contained; and no person shall be registered in any year in respect of any such lands as aforesaid, or of any such estate and interest of freehold, or in the nature of freehold, as is by this Act declared to entitle him to vote, unless he or his wife shall have been in the actual possession thereof, or in the receipt of the rents and profits thereof, for his or her own use, for twelve calendar months, at least, next previous to his claim, to be registered, and unless the deed or deeds under which such lands or such estate or interest shall be claimed, shall have been proved and recorded twelve months in the Secretary's office of this Island, or unless possession of the same or receipt of the rents and profits thereof, shall have been had or taken for five years past, previous to the claim to be registered; and that no person shall be so registered in any year in respect of any lands or tenements held by him as such lessee or assignee, or as such occupier and tenant as aforesaid, unless he shall have been in the actual possession thereof for twelve calendar months, next previous to his claim to be registered; and that no person shall be so registered in any year in respect of any parochial tax paid by him, unless he shall for two years next previous to his claim to be registered, have paid parochial taxes to such an amount as would qualify him to vote in the election of a Member or Members for the Assembly, nor shall such person be entitled to vote in respect of any such parochial tax, who shall be in arrear for any such parochial tax: Provided always, that when any lands or tenements, or the rents and profits thereof, which would otherwise confer the right of voting, shall come to any person at any time within the said period of twelve months by descent, succession, marriage settlement, marriage devise, or promotion to any benefice in a church, or by promotion to any office, such person shall be entitled, in respect thereof, to have his name inserted as a voter in the election of a Member or Members to serve in the Assembly, in the lists then next to be made by virtue of this Act, as hereinafter mentioned, and upon being duly registered according to the provisions hereinafter contained to vote in such election. Provided also, that in case any election shall take place after such person shall become so qualified, and previously to the period of registration, every such person shall be entitled to vote at such election although not registered.

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17. And whereas it is expedient to form a register of all persons entitled to vote in the election of Members to serve in any future Assembly, be it therefore enacted, That within a time to be appointed by the Governor or Commander-in-Chief of this Island for the time

How and by whom re-
gistration to be made.

being, after notice of the confirmation by her Majesty of this Act shall be received, and between the first day of November, and the thirtieth day of November inclusive, in every succeeding year, every person who shall be entitled to vote in the election of Members to serve in any future Assembly, for any parish in this Island, or for the town of Bridge-Town, in respect of any property situate wholly or in part in the said parish, or in respect of any parochial taxes, paid to such parish, shall, within the periods above described, deliver, or cause to be delivered to the Police Magistrates or Police Magistrate of such parish, or to such other person or persons as shall be appointed, under the authority of this Act for that purpose, a notice of his claim as such voter, according to the form contained in schedule A, to this Act annexed, or to the like effect, and shall produce the deed or deeds, under which any such claim is made, or a certified copy or copies, or an extract or extracts thereof, from the Secretary's office of this Island, where the claim shall be in respect of any lands or tenements, or the rents and profits thereof, the deed or deeds whereof are required by this Act to be recorded, or produce such other evidence as may be necessary to establish his claim as such voter: Provided that after the formation of the register to be made in each year, as hereinafter is mentioned, no person whose name shall be upon such register for the time being of voters, whose claim shall have been admitted, shall be required thereafter to make any such claim as aforesaid, so long as he shall retain the same qualification.

Persons once registered and retaining their qualifications need not be again registered.

18. And be it further enacted, That the Police Magistrates for the town of Bridge-Town, and parish of St. Michael, or one or more of them, shall make out or cause to be made out, alphabetical lists of all persons, who shall claim, as aforesaid, to be inserted in such lists as voters in the election of Members to serve in the Assembly for the parish of St. Michael, and for the town of Bridge-Town, and whose claims shall be admitted by such Police Magistrate or Magistrates, and the said Police Magistrates, or one of them, shall likewise make out similar lists of all persons whose claims shall be disallowed; and that the said Police Magistrates of Bridge-Town, or one or more of them, shall on or before the tenth day of December, in every year, make out, or cause to be made out, lists containing the names of all persons who shall be upon the registers for the time being, as such voters, and whose claims shall have been admitted, and also the names of all persons who shall claim as aforesaid to be inserted in such last-mentioned list as such voters, and whose claims shall be also admitted, and also lists of all persons whose claims shall be disallowed, but which last-mentioned lists shall not include the names of persons who shall be upon any former list of persons whose claim shall have been disallowed, unless such person shall make fresh claims; and in every such list so to be made as aforesaid, the Christian name and surname of every person shall be written at full length, the nature of his qualification, and the local or other description of the lands or tenements where such qualification shall be, in respect of lands or tenements; and such Police Magistrate or Magistrates shall have the power of expunging from such lists, the name of every person who shall be proved to him to be dead, and correcting any mistake which shall be proved to him to have been made in any such lists; and such Police Magistrate shall in open Court write his initials against the names respectively struck out, and against any part of the lists in which any mistake shall have been made, and shall sign his name to every page of such lists which shall be in the form contained in the schedule B to this Act annexed.

Police Magistrates of Bridge-Town to make out lists of claims to vote for the parish of St. Michael or for Bridge-Town, allowed and disallowed as herein.

X 10. Sect.

See Act of 19th August 1857.

19. And be it further enacted, That the Police Magistrates of each of the other parishes, or in case any of such parishes shall be without a Police Magistrate, then such other person or persons as shall be appointed for that purpose under the provisions of this Act, shall at the time hereinbefore appointed, make out or cause to be made out, similar lists of persons claiming to vote in the election of Members of the Assembly

Police Magistrates of other parishes to make out similar lists.

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Churchwardens to furnish lists of voters herein prescribed.

See Act 5 September 1848. -

Under penalty of 100l.

In case there be no Police Magistrate, or he be unable to register votes, the Governor with the advice of the council to appoint a fit person, &c.

Lists of voters to be transmitted to the Secretary's office and copied in a book,

to be deemed the register book for one year.

Voters named in such book to have access thereto, &c., gratis.

Secretary to furnish the Sheriff or returning officer with the lists herein mentioned.

Questions permitted to be put at elections, &c.

for any such parish, as the Police Magistrates of Bridge-Town, are required to make out for the parish of Saint Michael.

21. And be it further enacted, That the Churchwarden of every parish in this Island, shall within ten days after the application of the Police Magistrates of such parish, or other person or persons authorized to make such lists as aforesaid of voters for such parish, and which application shall be made at least five days previously to the first day of November in each year, furnish correct lists of all persons paying parochial taxes to the amount of five pounds and upwards to any such parish, and who shall have paid such taxes for two years, and upwards, and of the owners of all houses parochially taxed in respect of the rents of such houses, and the amount of rent at which every such house shall be rated in the parish books, and in default thereof, every Churchwarden shall forfeit and pay to her Majesty, her heirs and successors, the sum of One Hundred Pounds current money of this Island, to be recovered on complaint before a Justice of the Peace, and paid into the Public Treasury for the uses of the Island.

22. And be it further enacted, That in case any parish shall be without a Police Magistrate, or such Police Magistrate shall from sickness or other cause be unable to register the votes of such parish, it shall and may be lawful for the Governor or Commander-in-Chief of this Island, by and with the advice of the Council, to nominate and appoint some fit and proper person or persons residing in such parish, to register the votes of such parish, and make out such lists as aforesaid.

23. And be it further enacted, That the lists of voters for each parish so signed, as aforesaid, shall be forthwith transmitted by the Police Magistrates or other persons signing the same, to the Secretary's office of this Island, there to be kept among the records of the Island, and the Secretary of the Island shall forthwith cause the said lists to be fairly and truly copied in a book, to be by him provided at the public expense for that purpose, and such book shall be deemed the register of the electors to vote in the choice of Members to serve in any future Assembly of this Island, which shall take place between the first day of December, inclusive, in the year wherein such respective register shall have been made, and the first day of December in the succeeding year; and every person whose name shall be in such register shall have free access thereto, and to the original lists returned to the Secretary's office, and shall be at liberty to take copies thereof, or extracts therefrom, gratis.

24. And be it further enacted, That the said Secretary shall also, before the holding of any election for a Member or Members, to serve in the Assembly of this Island, furnish the Sheriff, or other returning officer of every parish, where any such election shall be to be holden, with a certified copy of the last lists which shall have been taken of the electors, and persons claiming to vote for every such parish for which any such election shall be to be holden.

25. And be it further enacted, That in all elections whatever, of Members to serve in any future Assembly, no inquiry shall be permitted at the time of polling, as to the right of any person to vote, except only as follows, that is to say, the returning officer shall, if required, on behalf of any candidate, put to any voter at the time of his tendering his vote, and not afterwards, the following questions or any of them, and no other:—

First.—"Are you the same person whose name appears as A. B., on the Register of Votes now in force for the parish of —?"

Second.—"Have you already voted at this election, for the parish of —, or for the town of Bridge-Town (as the case may be)?"

Third.—"Have you the same qualification for which your name was originally inserted in the Register of Votes, now in force for the parish of —, or for the town of Bridge-Town (as the case may be)?"

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Specifying in each case the particulars of the qualification as described in the register; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be subject to a penalty of One Hundred Pounds current money of this Island, to be recovered before a Justice of the Peace as servants' wages, half to the informer, and half to the Public Treasury in this Island; and if not paid within fourteen days, such offender shall be committed to the common gaol of this Island, for any time not exceeding Three Months, and the Sheriff or returning officer, or his deputy, shall (if required on behalf of any candidate at the time aforesaid) administer an oath (or in case of a Quaker or Moravian, an affirmation), to any voter, in the following form, that is to say—

Penalty for answering falsely, &c.

Oath to be administered if required to voters.

“You do swear (or being a Quaker or Moravian, do affirm) that you
“are the same person whose name appears as A. B., in the
“Register of Votes, now in force for the parish of
“and that you have not before voted, either here or elsewhere,
“at the present election for the parish of . So help
“you God.”

And no elector shall hereafter at any such election be required to take any oath or affirmation, except as aforesaid, either in proof of his freehold, age, or other qualification, or right to vote, any law to the contrary notwithstanding; and no person claiming to vote at any such election, shall be excluded from voting thereat, except by reason of its appearing to the returning officer, or his deputy, upon putting such questions as aforesaid, or any of them, that the person so claiming to vote, is not the same person whose name appears on such register as aforesaid, or that he has previously voted at the same election, or that he has not the same qualification for which his name was inserted in such register, or except by reason of such person's refusing to take the said oath, or make the said affirmation: Provided always, that where any person shall, under the provisions of this Act, be entitled to vote without having been registered, he shall make proof thereof by oath or affirmation as aforesaid to the satisfaction of the returning officer.

Proviso.

26. Provided always, and be it enacted, That any person whose claim to vote shall not have been allowed by any Police Magistrate, or other person or persons authorized to register votes and make out lists as aforesaid, but shall have been placed in the list of disallowed claims, may tender his vote at any election at which such register shall be in force, stating at the time the name or names of the candidate or candidates for whom he tendered such vote, and the returning officer or his deputy shall place the name of every such person on the back of the poll.

Disallowed voters, names of, may be placed on the back of the poll.

27. Provided also and be it enacted, That upon the controverting of any election, the petitioner or any person defending such election or return, shall be at liberty to impeach the correctness of the register of votes in force at the time of such election, by proving that in consequence of the decision of any Police Magistrate, or other person authorized to register votes and make out lists as aforesaid, the name of any person who voted at such election was improperly inserted or retained in such register, or the name of any person who tendered his vote at such election was improperly omitted in the list of admitted votes; and the Court appointed for the trial of any petition, complaining of an undue election, shall alter the poll taken at such election, according to the truth of the case; and the return shall be amended, or the election declared void, as the case may be, and the register corrected accordingly.

On controverting elections, the correctness of the register may be impeached, &c.

28. And be it further enacted, That all writs for the election of Assemblymen shall be issued by the Governor and Commander-in-Chief of this Island, by and with the advice of the Council, in the usual form, and directed to the several Members of her Majesty's Council in this Island, and if there be more than one Councillor residing in any parish, the writ for that parish shall be directed to the eldest Councillor, who is hereby empowered and required to execute the same: Provided always, nevertheless, if the Members of her Majesty's Council, or any of them,

Writs for the election of Assemblymen, to whom to be directed.

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at the time of issuing such writ or writs, shall decline to execute the same, that then, and in such case, the Governor or Commander-in-Chief, by and with the advice of the Council, may at the same time direct such writ or writs to some substantial freeholder or freeholders in the parish or parishes where such Councillor or Councillors shall so decline, who are hereby empowered and required to execute the same; provided such person do not stand as a candidate to serve in the Assembly.

Not to be directed to a Member of Council to go out of the parish, if he be the only Councillor in the parish.

29. And be it further enacted, by the authority aforesaid, That no Councillor shall have any writ directed to him to go out of the parish where he lives or resides, unless there are more Councillors than one in the said parish, and in such case the said writ or writs shall be directed to the youngest Councillor or Councillors, to execute the same in some other parish or parishes, as near as may be to their place of dwelling or abode; but in case there shall not be Councillors enough within this Island to execute the several writs for election of Assemblymen, or any of them shall be disabled by sickness from such duty, it shall and may be lawful for the Governor or Commander-in-Chief, by and with the advice of the Council, to direct such writ or writs to some substantial freeholder of the same parish, who is hereby empowered to execute the same, provided such person do not stand himself a candidate in some parish to serve in the Assembly.

Writs, when to be issued, when returnable, to be directed to the Provost Marshal two days after they are issued, who is to convey them to the Sheriffs, who within two days are to give the notices herein required.

30. And be it further enacted, That all the writs for the election of Assemblymen, shall issue in one day and be returnable in one day, and the time for issuing the writs shall be so ordered as not to interfere with the registration of voters, and they shall all by the Secretary of this Island for the time being, be delivered together to the Provost Marshal of this Island, within two days after the same shall be issued, who shall forthwith convey the same to the respective Sheriffs to whom the same are directed, and who within two days from the receipt thereof, are hereby required to cause notices to be affixed on or near the doors of all the parochial churches, stating the day on and the place at which the election for every such parish will commence; and if by the wilful neglect or default of the Secretary, Provost Marshal, or any Sheriff, any of the said writs shall not be published accordingly, every person so offending shall forfeit and pay to her Majesty, her heirs and successors, the sum of One Hundred Pounds current money of this Island, for the public uses of the said Island, to be recovered by the Treasurer for the time being, by action or actions in her Majesty's Court of Exchequer in this Island, who is hereby directed and required to prosecute for the same with effect, under the penalty of One Hundred Pounds like current money, to her Majesty, her heirs and successors, to be recovered as servants' wages, on complaint made to the Police Magistrates of Bridge-Town, one half to the informer, and the other to the uses of the said Island.

Penalty on Secretary, Provost Marshal, and Sheriff, for wilful neglect of duty.

Sheriff to prepare the poll as herein prescribed.

32. And for preventing unnecessary disputes or mistakes in voting, be it further enacted, That upon all elections of Members to serve in the Assembly, the Sheriff or person appointed to take the poll, shall prepare a paper with as many columns as there are candidates, and shall set down the name of each of the candidates at the top of the said columns, and shall cause the name of each voter to be subscribed, under each of the candidates' names for whom he votes; and every such person acting as sheriff is hereby empowered to administer the oath or affirmation, and put the questions by this Act appointed to be taken and put at the poll at any election.

Candidates and Sheriffs, &c., may vote for Members of Assembly in other parishes, &c., by sending a letter accompanied by a certificate as herein mentioned.

33. And be it further enacted, That it shall and may be lawful for any candidate, who shall offer himself for the Assembly, or any Sheriff or Under-Sheriff who shall be engaged as such, at an election for the Assembly, to vote for the election of any Member or Members to serve in the Assembly, for any other parish or for the town of Bridge-Town where any such candidate, Sheriff, or Sheriffs shall be a registered voter, by sending a letter to the acting Sheriff of such parish or town; and

therein stating for which of the candidates he tenders his vote, declaring in such letter that he continues to possess the same qualification, by virtue of which he appears to be registered as a voter, for such parish or town, and the Sheriff to whom any such letter shall be addressed and received, during the time that such election shall be pending, shall place the name of the person so tendering on the poll, under the name or names of the candidate or candidates, for whom such vote shall be tendered, and which shall be as good to all intents and purposes, as if such person had personally appeared: Provided that such letter be accompanied by a certificate, from a Justice of the Peace, that such person has made oath before him, of his being or intending to be a candidate or Sheriff for such other parish.

34. And be it further enacted, That if any person shall presume to violate the freedom of election for Assemblymen or Vestrymen by menaces or threats, or shall bribe any elector, or who, after the election is over, shall menace or abuse any elector, because he did not vote as he would have had him, every such person so offending, if he be chosen an Assemblyman, shall upon due proof thereof before the Assembly, be by them, or the major part of them, expelled the House during that Assembly; and every other person who shall be guilty of any of the aforesaid practices, shall upon due proof thereof, by two credible witnesses, forfeit and pay the sum of Fifty Pounds current money of this Island for each offence, to be recovered before any Justice of the Peace, as in case of servants' wages, half for the use of the informer, and the other half to be paid into the Public Treasury, for the uses of the Island.

Bribing, menacing, or abusing electors, subjects offender if an Assemblyman to be expelled, if other than an Assemblyman to a penalty of 50*l.* for each offence.

35. And be it further enacted, That the Churchwarden of every parish in this Island, shall provide and constantly keep to be made use of at elections, convenient tables with seats suitable thereto, for the Sheriff and Under-Sheriff, and the candidates at the election of Assemblymen, to sit on, and no other person whomsoever shall presume to stand near the poll, but all others shall keep at a convenient distance of ten feet, leaving a sufficient passage for any person to come to the lower end of the said table to vote, which shall be done but by one person at a time, who having voted, shall forthwith withdraw; neither shall any person presume to object against any person, or ask any question of any person offering to vote, except the person acting as Sheriff, either of his own motion, or at the desire of any candidate or person acting on behalf of any candidate, and he shall ask no other questions than such as are allowed by this Act: Provided, nevertheless, that every candidate may appoint an elector to assist at the poll on his behalf, and to act with the same privilege as himself, or in the absence of any candidate, the elector who shall propose him as a candidate, shall have the privilege of acting on his behalf, and if any person shall wilfully act contrary hereto, or shall at any time during such election, bring, or cause to be brought to the place where such election shall be held, any strong drink, or shall make any disturbance or noise, or make use of any taunt, reproach, or reflection against any person or persons, or shall in any wise whatever be guilty of any profane, violent or indecent language or behaviour, to the disturbance or interruption of the election, the person acting as Sheriff at such election, is hereby fully authorized and required in any such case, forthwith to commit all and every such person or persons so offending, who shall stand committed to the common gaol or other prison, until every such person shall enter into a recognizance before a Justice of the Peace, himself in the sum of One Hundred Pounds, with two sufficient securities in the sum of Fifty Pounds current money each, for his appearance at the Court of Grand Sessions, to answer such his misdemeanour as aforesaid, and on conviction, shall be fined by the said Court the sum of Fifty Pounds current money as aforesaid, to be paid into the Public Treasury for the uses of the said Island, and in default of payment thereof, shall be imprisoned One Calendar Month; and for the purpose of preserving order at elections, the Inspector, or other person

Churchwarden to provide and keep tables and seats for the Sheriff, Under-Sheriff, and candidates.

A space of ten feet be preserved from the poll as a passage for electors to go up and poll.

Sheriff alone to ask questions, &c.

Every candidate may appoint an elector to assist him, &c.

Persons violating the rules herein prescribed bringing strong drink to or making any disturbance or noise, &c., at the place of election may be committed by the Sheriff until they enter into the recognizances herein prescribed.

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at the head of the police, is hereby required to send two police officers, at least, to attend such elections and keep the peace, and obey the orders of the Sheriff.

Sheriffs at the close of the poll to declare who are chosen representatives, and make returns to the Governor.

Special returns allowed only when candidates have an equal number of votes.

Sheriff's oath before the Governor and Council to the return.

36. And be it further enacted, That after the poll shall be closed upon any election, and before the person acting as Sheriff shall depart from the place of election, the candidates who shall have the majority of votes, shall be publicly declared by the Sheriff to be duly chosen representatives for such parish, and the persons so chosen Assemblymen, shall be returned by the Sheriff as such to the Governor or Commander-in-Chief and Council, for the time being, on the day appointed by the writ for the return thereof, but it shall not be in the power of such Sheriff to make any special return thereof, unless it shall so happen that any of the candidates have an equal number of votes; and upon such return, the Sheriff shall take the following oath before the Governor or Commander-in-Chief and Council, to be administered by the Secretary or Clerk of the Council, for the time being, (that is to say,)—

"I, A. B., do swear, that according to my skill and judgment, the
"return by me now made upon the election of Assemblymen
"for the parish of _____, or for the town of Bridge-Town,
"is according to the law of election now in force, and without
"favour, or affection, hatred, malice, or ill-will, to any person
"whatsoever.

"So help me God."

Sheriffs, penalty on, for refusing to act and comply with the requisites of this Act.

And if any person appointed to act as Sheriff at any election, within the meaning of this law, shall refuse to act in such office, or if the person acting as Sheriff at any election of Assemblymen shall refuse to take the oaths by this Act required, or if a Quaker or Moravian make an affirmation in lieu thereof, the person so offending shall forfeit and pay the sum of One Hundred Pounds current money of this Island, to her Majesty, her heirs and successors, to be paid into the Public Treasury for the uses of this Island, and to be recovered by the Treasurer of this Island for the time being, by an action of debt in her Majesty's Court of Exchequer, in this Island; and the Treasurer is hereby required, under a penalty of Two Hundred Pounds, like current money, to prosecute such action with effect, to be recovered in like manner by any person who shall sue for the same, half to the informer, and the other half to the public uses of this Island.

Treasurer to sue for the recovery of such penalty under a penalty of 200*l*.

Twelve Members required to form an Assembly.

37. And be it further enacted. That twelve, or any greater number of persons elected, returned, and sworn as Members of the General Assembly of this Island, and meeting and joining together as such, shall be deemed and allowed as a quorum of the said General Assembly, sufficiently qualified and empowered to act and proceed as a General Assembly of this Island, to all intents and purposes whatsoever, under the limitations of this Act: and that no number under twelve of such Members shall be qualified and empowered to act or proceed as a General Assembly of this Island, upon any account whatsoever.

No business, except as herein mentioned, to be transacted until the Island be fully represented.

38. And to the end that no public business of moment may be concluded or transacted in the Assembly, before the whole body of this Island shall be represented in the Legislature, by the election of Assemblymen for every parish in this Island, and for the town of Bridge-Town: Be it enacted, That upon failure of the publication of any writ or writs, issued for the election of Assemblymen in any parish or parishes, or of an election being made, pursuant to such writ, at a general election; the members elected and returned for the other parishes, may, and shall, immediately after being sworn, provided there be a quorum, make choice of their Speaker, and other officers, and settle the rules of their house, appoint the salary of their Chaplain, Clerks, and Marshal, and address the Governor or Commander-in-Chief in Council, that new writs may issue for such parish or parishes in which the first writ failed, but they shall not go upon any other business whatever, till representatives shall be chosen and duly returned, by virtue of such new writ or writs, any

thing hereinbefore seeming to the contrary notwithstanding. And within six days next, after such address being presented to the Governor or Commander-in-Chief, a new writ or writs shall issue for electing of Assemblymen in every such parish where any former writ failed of being published in the same manner as writs are before in this Act directed to issue.

See Act of 4 Decem-
ber 1861.

39. And be it further enacted, That on the trial of all controversies which shall arise on the returns of any Member or Members, to serve in the General Assembly of this Island, the Speaker of the said Assembly is hereby empowered to issue summonses for witnesses, and to examine on oath or affirmation, when an affirmation is allowed to be substituted for an oath, any witness or witnesses, touching or relating to any such controversy: and if any person duly summoned as such witness, shall refuse or neglect to attend; and if any person so summoned and attending or who, though not summoned, shall happen to be present at such controverted election, and called upon to give testimony therein, shall refuse to be sworn, (or to make affirmation, where an affirmation is allowed,) or when sworn to answer all such questions as shall be demanded of him or her, by the General Assembly, tending to the discovery of bad votes, or to make appear any unfair practices that had been used to violate the freedom of election, so that such discovery, or unfair practices do not affect him or her; every such offender shall, by the Speaker of the General Assembly, be committed to the common gaol of this Island, there to remain without bail or mainprize, during the continuance of that Assembly, or until otherwise discharged by order of the House: and all persons who would controvert any such election, shall lodge their petitions for that purpose in writing with the Clerk of the said Assembly, within three days, next after the first meeting of the said Assembly after any general election, or within three days after the election of any Member or Members, at any separate or occasional election, and shall attend and prosecute the same within such time or times as the said Assembly shall appoint; and no petition for controverting any election shall be received by the Clerk of the Assembly after the time hereinbefore appointed, and no election shall be allowed to be controverted without a petition for that purpose shall be duly lodged with the Clerk of the Assembly; and before the hearing of any such controverted election, the Speaker shall take the following oath before the Governor or Commander-in-Chief for the time being, or before any of her Majesty's Council appointed by the Governor or Commander-in-Chief, who is hereby empowered to administer the same, and give a certificate thereof, viz. :—

Proceedings to be
taken on controverted
elections.

Petitions for contro-
verting elections when
to be lodged with the
Clerk of the Assembly,
&c.

Speaker, to take the
oath herein prescribed
before the Governor
on controverted elec-
tions—

“I, A. B., do swear that I will faithfully and justly give my opinion,
“according to the law of elections now in force, in the decision
“of the election now controverted between C. D. and E. F.,
“according to the best of my skill and judgment.

“So help me God.”

And then the Speaker shall administer to every Member of the Assembly present, the like oath, or affirmation where allowed; and any Member who shall refuse to take such oath or affirmation, shall be expelled the House.

and administer like
oath to the other
Members.

41. And be it further enacted, That if any Member of the Assembly shall be called up to her Majesty's Council, or shall depart this Island without leave of the Assembly as hereinafter provided, or shall accept any office, which by any Act of this Island a Member of the Assembly is disqualified from holding, or shall accept any office of profit under the Crown, every such Member shall be deemed to have vacated his seat in the General Assembly, and in every such case, or if any Member shall die, or be expelled the House, the Governor or Commander-in-Chief, by and with the advice and consent of the Council, shall within forty days after such removal to the Council, death, departure or acceptance of office, by an address from the Assembly to the Governor or Commander-in-Chief, issue a new writ directed to the eldest Councillor in the parish

Seats of Members, for
what causes declared
vacated.
See Acts 18 June 1845,
and 19 May 1847.

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Assembly may grant leave to their Members to go off the Island for six months.
See Act 18 June 1845.

Persons acting as Members without having been chosen, returned, and sworn according to this Act, fined 100*l*.

Persons misbehaving themselves before the General Assembly, may be committed by the Speaker.

Assembly declared annual.

Persons qualified to vote for Members of Assembly, declared qualified to act as jurors, &c.

Registration not necessary in their case.

where such vacancy shall happen, or if no Councillor shall live in that parish, or he should decline executing the writ, then to some substantial freeholder in the same parish, as the Governor or Commander-in-Chief, by and with the advice of the Council, shall, think fit, for choosing another person to serve in the Assembly for such parish, or for the town of Bridge-Town, after the manner and method hereinbefore prescribed: Provided nevertheless, that it shall and may be lawful for the Assembly to grant leave to any of their Members, to go off the Island for the recovery of their health or otherwise, as shall be found necessary, for any time not exceeding six months: and provided also, that nothing herein contained shall be construed to prevent any Member vacating his seat by accepting any office of profit under the Crown, from being re-elected.

42. And be it further enacted, That if any person shall presume to come into the House of Assembly, and act as a Member thereof, who hath not been chosen, returned, and sworn according to the appointment of this Act, and the true intent and meaning thereof, every such person shall forfeit and pay the sum of One Hundred Pounds current money of this Island, to her Majesty, her heirs and successors, to be recovered before a Justice of the Peace, as in the case of servants' wages, and be paid into the Public Treasury for the uses of the public.

43. And be it further enacted, That if any person or persons, who on any occasion whatsoever shall appear before the General Assembly of this Island, and shall misbehave himself or themselves, towards the said Assembly or any of the Members thereof, either by uttering any unhandsome language, or otherwise during the sitting of such Assembly, the Speaker of the said Assembly shall have and hereby hath full power and authority to commit all and every such person or persons to the common gaol of this Island, there to remain without bail or mainprize, until he or they shall duly submit himself or themselves to the House, or during the continuance of that Assembly.

48. And be it further enacted, That neither the present, nor any future General Assembly of this Island, shall be, or continue for more than one year at any one time, to be computed from their first meeting as an Assembly.

49. And be it further enacted, That every person possessing a qualification, which by this Act would entitle him to be elected as a Member to serve in the General Assembly of this Island, or to be registered as a voter in the election of Members to serve in the said Assembly, not subject to any legal incapacity, shall be qualified and liable to serve on juries, in all and every of the Courts of criminal and civil jurisdiction, and on all appraisements of property in this Island; and it is hereby also declared, that the non-registration of any such person in the list of voters, shall not exempt any such person from serving on any jury, but every such person shall be liable to serve on any such jury as aforesaid, although he shall not have been registered in the manner hereinbefore required, to entitle him to vote at an election, anything hereinbefore, seeming to the contrary thereof, notwithstanding; and all persons liable by this Act to serve on juries, shall be liable to the like fines, penalties, forfeitures, and restraints, for non-attendance after being duly summoned, or other breach of duty, and also the like objections and challenges, to which persons liable to serve on juries are now subject and liable: Provided nevertheless, that nothing in this Act contained, shall be construed to make any person serve on any jury, who before the passing of this Act would have been exempted therefrom, by any law or custom of this Island.

51. Provided always, and be it further enacted, That this Act shall not come into force or operation, until her Majesty's pleasure shall be given thereto.

[Confirmed.]

SCHEDULE A.

I hereby give you notice, that I claim to be inserted in the list of voters for the parish of _____ and the particulars of my qualification are stated below, dated this _____ day of _____ in the year _____ (Signed) A. B.

An estate of freehold (for my own life, in right of marriage, as the dower of my wife, or as the case may be, in a house or land), or whatever the property may be, situate (state the parish and boundaries), or if in a town, state the town and street, of the annual value of 20*l.* and upwards, clear of all taxes, or rents and profits of a house (state the property and its description), to which I (or my wife, as the fact may be), am entitled for life, to the amount of 20*l.* and upwards, clear of all taxes.

Or lessee (or assignee, as the fact may be) of a plantation, or (whatever the property may be), situate in the parish of _____, containing _____ acres of land, and bounding (state the boundaries, or some of them, so as to identify it), at the annual rent of _____ (state the rent reserved).

Or as occupant of a house (or store, shop, &c., giving such a description of the property as may serve to identify it), or as a payer of parochial taxes to the parish of _____, for two years and upwards.

SCHEDULE B.

The List of Persons entitled to Vote in the Election of Members for the Parish of _____

Christian and Surname of each Voter at full length.	Nature of Qualification.	Street, Land, or other like place, or name of the Property or name of Tenant.
Adamson, John .	Freehold House	Broad Street.
Bruges, Thomas .	Estate in Lands or Tenements . .	Baxter's Road.
Crichlow, William .	Occupant of Store	High Street.
Duncon, Charles .	Tax-payer	
Edwards, Frederick .	Rent for House and Land	Thomas Brown's Tenant.
Fenwick, Henry .	Lease of Land for Years	White Park Road.
Dated	1840.	Signed, A. B., Police Magistrate.

SCHEDULE C.

The List of Persons claiming to be entitled to Vote in the Election of Members for the Parish of _____, but whose Claims have been disallowed.

Christian and Surname at full length.	Nature of Qualification.	Street, Lane, or other like place, or name of the Property, or of Tenant.	Remarks.
Archer, John . .	Freehold House . .	Swan Street . . .	Sale not recorded.
Baker, Thomas .	Tax-payer . . .	Cheapside . . .	In arrear of Taxes 12 Months.
Cummins, Edward	Occupant of House	Edward Brown, tenant in possession.	Rent insufficient.
Drake, Charles .	Wife's Dower in Land		Dower not laid off.
Dated	1840.	C.D., Police Magistrate.	

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No. 135.

25 July 1840.]—AN ACT to permit Vessels arriving with Cargoes of Ice to come within the Careenage, and land the same on that part of the Pier-Head opposite the Ice-House, and for remitting Tonnage and other dues.

[Clause 5 had its effect.]

Preamble.

WHEREAS it is deemed expedient to permit vessels arriving with cargoes of ice to come within the careenage and land the same on that part of the pier-head, opposite the ice-house :

Vessels with ice permitted to come within the careenage.

1. Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, it shall be lawful for the master or commander, or other person in charge of any vessel coming to this Island, with ice on board, to bring such vessel within the careenage of Bridge-Town, and to land the said ice on that part of the pier-head, opposite the ice-house, in order the better to preserve the ice in its removal to and deposit in the said house.

Meats, fruits, &c., may be disposed of on board such vessels or on the pier-head.

2. And whereas it has been usual with vessels bringing cargoes of ice to this Island, to bring meats, vegetables, and fruit preserved therein, Be it therefore enacted, That it shall and may be lawful for any vessel arriving with ice as aforesaid and having therein preserved any meats, vegetables, or fruit, to dispose of the same on board such vessel or on the pier-head.

Where to be stationed and how long to remain in careenage.

3. And be it further enacted, That the Harbour-Master is hereby directed to see that vessels coming within the careenage under the authority of this Act, shall take up such stations as will least obstruct the free use of the said careenage, and that no vessel shall be permitted to remain within the said careenage for more than forty-eight hours after the ice on board shall be landed, unless for the purpose of undergoing repair.

Tonnage duties remitted to ice-vessels.

4. And be it further enacted, That all vessels now within the careenage, and all vessels which shall hereafter come within the same with cargoes of ice, shall be and they are hereby relieved from the payment of all tonnage, careenage, and other dues, save and except such mole-head dues as may accrue, whilst undergoing repair, after discharging their cargoes.

No. 136.
September 1840.

No. 136.

September 1840.]—AN ACT to grant to all Vessels belonging to the Royal Yacht Squadron the same privileges they enjoy in the Ports of the United Kingdom.

Preamble.

WHEREAS it is deemed expedient to grant to all vessels belonging to the Royal Yacht Squadron arriving at this Island, the same privileges which they enjoy in the ports of the United Kingdom : Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, all vessels belonging to the Royal Yacht Squadron which shall arrive at any port in this Island, shall be and they are hereby exempted from the payment of all tonnage, port and harbour dues payable under any Act or Acts of this Island, and all such vessels shall be received in the ports of this Island on the same footing, and be entitled to the same privileges as they enjoy in the ports of the United Kingdom, any law, usage, or custom of this Island to the contrary notwithstanding.

No. 137.

No. 137.
22 September 1840.

22 September 1840.]—AN ACT to amend an Act, entitled “An Act to amend two certain Acts of this Island, one entitled ‘An Act to prevent the Clandestine Deportation of Young persons from this Island,’ and the other entitled ‘An Act to regulate the Emigration of Labourers from this Island, and to protect the Labourers in this Island from impositions practised on them by Emigration Agents.’”

WHEREAS it is expedient to repeal the third Clause of the said Act, Preamble.
entitled “An Act to amend two certain Acts of this Island, one entitled
“ ‘An Act to prevent the Clandestine Deportation of Young Persons
“ ‘from this Island,’ and the other entitled ‘An Act to regulate the
“ ‘Emigration of Labourers from this Island, and to protect the Labourers
“ ‘in this Island from impositions practised on them by Emigration
“ ‘Agents :’ ” Be it therefore enacted, by his Excellency Major-General
Sir Evan John Murray MacGregor, Baronet, Governor and Commander-
in-Chief of this Island, the Honourable the Members of her Majesty’s
Council, and the General Assembly of this Island, That the third clause
of the said last-mentioned Act, shall be and the same is hereby repealed.

Repeals 3rd clause of
former Act.

2. And be it further enacted, That from and after the passing of
this Act, it shall not be lawful for any person, unless under the sanction
of her Majesty’s Government, to act as an emigration agent in this
Island; and every person who shall, for hire or other emolument, be
employed to induce any labourer or artificer to emigrate from this Island,
and shall promote his object by falsehood or fraud, every such person
and every person who shall aid and abet such offender, shall on con-
viction thereof before any Police Magistrate of this Island, forfeit to her
Majesty, her heirs and successors, a sum not exceeding the sum of Fifty
Pounds, nor less than Ten Pounds for the first offence; and in default of
payment, shall be committed to the common gaol of this Island, there to
remain, without bail or mainprize, for the space of Three Calendar
Months, unless the forfeiture be sooner paid; one half of which forfeiture
shall go to the informer, and the other half be paid into the Public
Treasury of this Island for the public uses thereof: And for every sub-
sequent offence, every such person shall be guilty of a misdemeanor, and
on conviction thereof before the Court of Grand Sessions, be subject to
fine and imprisonment, or both at the discretion of the Court, such fine
not to exceed One Hundred Pounds, nor such imprisonment the space of
Six Calendar Months.

Emigration agent—
illegal to act as, unless
sanctioned by Govern-
ment.

Persons for hire, &c.,
employed to induce
labourers, &c., to emi-
grate, and promoting
their object by false-
hood or fraud, finable
for the first offence—
for subsequent offence
may be fined or impris-
oned, or both, &c.

3. Provided, nevertheless, and be it further enacted, That any person
who shall think himself or herself aggrieved by the judgment of any
Police Magistrate under this Act, he or she shall be at liberty to appeal
from such conviction in the manner provided by the fourth clause of the
said Act, entitled “An Act to amend two certain Acts of this Island, one
“ entitled ‘An Act to prevent the Clandestine Deportment of Young
“ ‘Persons from this Island,’ and the other entitled ‘An Act to regulate
“ ‘the Emigration of Labourers from this Island, and to protect the
“ ‘Labourers in this Island from impositions practised on them by
“ ‘Emigration Agents.’ ”

Appeal.

4. And be it further enacted, That every labourer or artificer, who
shall by falsehood or fraud be induced to emigrate from this Island, shall
on his or her return thereto, have an action against the person or persons
who shall have practised such falsehood or fraud upon him or her, to
recover his or her damages thereby sustained, with costs of suits.

Labourers, &c., so im-
posed on may recover
damages.

No. 138.

23 November 1840.

23 November 1840.]—AN ACT to promote and encourage Steam Navigation between this Island, Great Britain, and other places.

Preamble.

Steam-vessels carrying the mails exempt from tonnage dues and fees.

See Act of 22 July 1863.

Vessels importing coals for the use of the steam-vessels exempted from tonnage duties and fees. Proviso.

Commanders of steam-mails to deliver a manifest of goods to the Collector and Treasurer.

And no goods to be landed from, without the order of the Collector, &c.

WHEREAS, it is expedient to promote and encourage a more speedy means of intercourse between this Island and Great Britain by steam navigation : Be it therefore enacted by his Excellency Major General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, all steam-vessels employed in carrying the mail between this Island and Great Britain, and between this and the neighbouring Islands and places, shall be permitted to enter the port of Carlisle Bay in this Island, and again to depart therefrom, free and exempt from all tonnage dues and fees, in the same manner as the present government packets are now exempted from these charges ; and such steam-vessels shall also be permitted to tranship their passengers and merchandize from vessel to vessel in the said port free of all charges whatsoever.

2. And be it further enacted, That all vessels employed in importing coal for the use of the steam-vessels aforesaid, shall be free and exempt from all tonnage and other fees : Provided always that such vessels import no other cargo whatever, and provided further that proof be given to the Treasurer of the Island, and to the officers of the customs, that the coals so imported are solely for the use of such steam-vessels, and that they are to be deposited in a depôt to be appropriated exclusively for that purpose.

3. And be it further enacted, That on the arrival of any such steam-boat or vessel, the same shall come to anchor in such place as may be appointed by the Royal Mail Steam Packet Company, and that the commander of the said steam-boat or vessel or the next chief officer shall deliver to the Collector and Comptroller of her Majesty's Customs at the port of Bridge-Town, and also to the Treasurer of the Island, a manifest of all goods, wares, and merchandize, on board such steam-boat or vessel, specifying the marks and numbers, the nature and contents of the packages as far as he is able to ascertain the same, together with the names of the shippers and consignees, and that no goods be landed from the said steam-boats or vessels but by an order from the Collector and Comptroller of her Majesty's Customs, and under such regulations as shall be established by the Collector and Comptroller of her Majesty's Customs at the port of Bridge-Town, subject to the approval of his Excellency the Governor.

No. 139.

23 November 1840.

23 November 1840.]—AN ACT to prohibit the selling of Wines and Spirituous Liquors, in any of the Ports or Harbours of this Island.

Preamble.

Spirituous Liquors not to be retailed in Carlisle Bay, &c., under a penalty.

WHEREAS, a mischievous and pernicious trade is carried on by divers persons, without license, by vending spirituous and other liquors to the mariners and others, while employed on board of vessels in Carlisle Bay ; and whereas there is no law at present in force, to prevent the injuries thereby occasioned : Be it enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly, and by the authority of the same, That it shall not be lawful, from and after the passing of this Act, for any person or persons to sell, barter, or otherwise dispose of, on the waters either of

Carlisle Bay, or of any of the ports or harbours of this Island, or on the sea surrounding the same, any wine, rum, brandy, gin, or other spirituous liquours, or any ale, porter, beer, or other fermented liquor whatsoever, to any mariner or other person, or persons whomsoever; and every person offending herein, shall for each and every such offence, forfeit and pay to her Majesty, a penalty of Ten Pounds current money of this Island, to be recovered before any Police Magistrate, or Justice of the Peace, as in the case of servants' wages.

No. 139.
23 November 1840.
See Act 2 September 1841.

2. And be it further enacted, That it shall be lawful for any Police Magistrate to take cognizance of every such offence, although the same be committed within the jurisdiction of the Vice-Admiral of this Island.

Police Magistrates to take cognizance of the offence.

No. 140.

29 January 1841.]—AN ACT to authorize the appointment of a Chief Judge for this Island, and to amend an Act entitled "An Act for Increasing and Establishing the salary of her Majesty's Attorney-General of this Island," made and passed on the Fifth Day of June One Thousand Eight Hundred and Ten.

No. 140.
29 January 1841.

[Clauses 2 and 3 repealed.]

WHEREAS in order to provide for the better administration of justice, it was resolved on the Twenty-second day of January, One thousand eight hundred and thirty-nine, by the representatives of the people of this Island, that they would pass a bill granting to her Majesty permanently the sum of two thousand five hundred pounds sterling, for the purpose of providing a salary of two thousand pounds sterling for a resident Chief Justice, and five hundred pounds sterling for a resident Attorney General: and whereas it is expedient to carry the same into effect:

1. Be it therefore enacted by his Excellency, Major-General Sir Evan John Murray MacGregor, Baronet, Governor-General and Commander-in-Chief of this Island; the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall be lawful for her Majesty by warrant, under her signet and sign-manual, to appoint a Chief Judge of the Island of Barbados, and such Chief Judge shall at the time of such appointment be a barrister-at-law, admitted to practise as such in her Majesty's Courts of Chancery, King's Bench, Common Pleas, and Exchequer, at Westminster or Dublin, or advocate admitted to practise in the Court of Session in Scotland, and shall hold such his office during her Majesty's pleasure; and the said Chief Judge so to be appointed for this Island, shall have and exercise such and the same jurisdiction and authority as are by the laws of this Island vested in the Judges of the several Courts of Common Pleas, the Court of Exchequer, and the Court of Grand Sessions and Oyer and Terminer, and general gaol delivery of this Island, or as any of them lawfully have and exercise, and as shall be necessary for carrying into effect the jurisdictions, powers, and authorities committed to the said Courts respectively, and such Chief Judge shall be entitled to demand and receive all such fees as are now taken and received by the Judges of the several Courts of Common Pleas, and by the Chief Baron of the Exchequer in this Island; but such fees shall be paid into the Public Treasury of this Island for the use of the public; and from and after the appointment of said Chief Judge, and the coming into operation of this Act, the functions of the present Chief Judges and Assistant Judges of the several Courts of Common Pleas, and of the Chief Baron and Assistant Barons of the Court of Exchequer, shall cease: Provided always nevertheless that it shall and may be lawful for the Governor or Commander-in-Chief of this Island for the time being, under his hand and seal, to appoint the present Chief Judges of the several Courts of Common Pleas,

Chief Judge to be appointed to be a barrister, &c.

His jurisdiction.

To receive the present fees and pay same into the Treasury.

Present Chief Judges

No. 140.

29 January 1841.

and Chief Baron may
be appointed to take
probates, &c.

Proviso in case of
death, sickness, &c., of
Chief Judge.

See Act of 29 July
1853, Clause 13.

Chief Judge's salary.

Attorney-General's
salary.

Attorney-General's
fees for conducting
prosecutions abolished.

In case of absence of
Chief Judge or Attor-
ney-General with
leave, the persons
executing the duties
to receive half the
salaries; if they be
absent more than
twelve months the
whole.

and the Chief Baron of the Exchequer, respectively, Commissioners for the taking the acknowledgment and the probate of deeds, and the private examination of femmes couvertes in cases where such examination is required by law: and such Commissioners shall respectively be invested with the same power and authority in this behalf as the said Chief Judge to be appointed under this Act, but they shall be entitled to receive and enjoy the emoluments arising from such acknowledgment, probates, and private examinations, for their own benefit; and such Commissioners are hereby declared to be exempt from serving on juries or in the militia of this Island.

4. Provided always, and be it further enacted, That in case of the death or resignation of the said Chief Judge, or in case of any such sickness or infirmity as shall render him incapable of performing the duties of his office, or in case of his absence from this Island, it shall be lawful for the Governor or Commander-in-Chief of this Island to appoint some fit and proper person to act in the place and stead of such Chief Judge so dying, resigning, becoming incapable, or being absent, until a successor shall be appointed by her Majesty, or until such Chief Judge shall return to the execution of his office; and in the meantime, until a successor shall be so appointed, or until such Chief Judge shall return as aforesaid, and shall enter upon or resume the discharge of his office in the said Courts respectively, the person so to be appointed by the Governor or Commander-in-Chief of this Island, shall have and exercise all the jurisdiction, powers, and authorities hereby granted or vested in the said Chief Judge.

5. And be it further enacted, That such Chief Judge when so appointed as aforesaid, shall be entitled to receive from the Treasurer of this Island, a salary of Two Thousand Pounds sterling per annum, commencing from the day of his assuming the duties of his office, which shall be paid to him quarterly, free of all deductions, and without any other warrant or authority than this Act.

6. And whereas by an Act of this Island, entitled "An Act for increasing and establishing the Salary of her Majesty's Attorney-General of this Island," a salary of Two Hundred Pounds currency is provided for the Attorney-General of Barbados, and the said Attorney-General is entitled to demand a fee of Five Pounds currency on all prosecutions at the Courts of Grand Sessions: and whereas it is expedient to abolish such fees, and to carry into full effect the said resolution of the House of Assembly: Be it further enacted, That the said Attorney-General, when so appointed as aforesaid, or such person as shall perform the duties of the Attorney-General, for the time being, shall be entitled to receive from the Treasurer of this Island, a salary of Five Hundred Pounds sterling per annum, commencing from the day of his assuming the duties of his office, which shall be paid to him quarterly, free of all deductions, and without any other warrant or authority than this Act, anything in the said hereinmentioned Act to the contrary thereof notwithstanding.

7. And be it further enacted, That from and after the time that this Act shall come into operation, the said Attorney-General or his successors, or any person appointed to act in his or their behalf, shall not be entitled to ask for or demand any fee for conducting any prosecution at the Court of Grand Sessions in this Island, but that the said Attorney-General and his successors, or any person appointed to act in his or their behalf, shall conduct such prosecution gratuitously.

8. And be it further enacted, That if the said Chief Judge or Attorney-General shall at any time be absent from the Island with leave, they shall be entitled to receive one half of the salaries appointed for them by this Act, and the persons respectively executing the duties of their office shall be paid the other half of such salaries, commencing from the day of their assuming the functions of their offices; and if such Chief Judge or Attorney-General shall be absent from the Island with leave, for any time exceeding twelve months, they shall not, after the expiration of the said twelve months, be entitled to receive any part of the said

salaries, but that the whole of the said salaries shall, at and after the expiration of the said twelve months, be paid to the persons respectively executing the duties of the said offices of Chief Judge and Attorney-General, until the said Chief Judge or Attorney-General shall return to the Island and resume the duties of their said offices.

9. And be it further enacted, That this Act shall not interfere with Construction of this Act.
or be deemed or construed to affect the provisions of a certain Act of the Imperial Parliament, entitled "An Act to make provision for the better administration of Justice in certain of her Majesty's West India Colonies," or of a certain Act of this Island, bearing date the Twenty-fifth day of January, One thousand eight hundred and thirty-seven, entitled "An Act to make provision for the better administration of Justice in this Island."

No. 140.
29 January 1841.

No. 141.

No. 141.
29 January 1841.

29 January 1841.]—AN ACT for the return of Duties on the Exportation of Horses, Mules, and Asses, from this Island.

WHEREAS, under and by virtue of an Act of this Island, entitled "An Act Preamble.
"for laying a Duty on Horses, Mules, and Asses, imported into this Island," bearing date the Sixteenth day of April, One thousand eight hundred and forty, certain duties are imposed on all horses, mules, and asses, imported into this Island: And whereas it is deemed expedient to return such duties on the exportation of all such horses, mules, and asses: Be it therefore enacted by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That upon the exportation from this Island to any other port or place, of any horses, mules, or asses, for which the duties imposed by the aforesaid Act, shall have been paid, and the same shall be shown to the satisfaction of the Treasurer of the Island, by the declaration of the importer or other person knowing the fact, it shall be lawful for the said Treasurer, and he is hereby directed and required, to return the duties paid thereon to the person exporting the said horses, mules, or asses, if the exportation thereof be within three months from the time of their exportation; and if any person shall knowingly make a false declaration, such person shall be deemed guilty of perjury, and on False declaration sub-jects offender to pains of perjury.
Horses, &c., imported and exported in three months, duties to be returned.

No. 142.

No. 142.
29 April 1841.

29 April 1841.] — AN ACT for the protection and security of the River Road, leading from Enmore corner to Nelson Street in Bridge-Town.

[Clause 1 repealed.]

2. Be it enacted by the Governor, Council and Assembly of this Island, That if any person shall, from and after the passing of this Act, throw or deposit any night-soil or any filth or rubbish, on any part of the said road, or shall from the said road throw any such night-soil or other filth or rubbish into the said river, the person so offending shall for every such offence, forfeit and pay the sum of Six Shillings and Sixpence, like current money, to be levied and raised in manner aforesaid. Filth, &c., not to be thrown into the road or river under a penalty.

3. And be it further enacted, That the penalties incurred under this Act shall be to her Majesty, her heirs and successors, and applied as follows:—one half thereof shall be to the use of the complainant or Penalties—how recoverable.

228 *To amend "An Act prohibiting sale of Wine, Spirits, &c."*

No. 142.
29 April 1841.

complainants, and the other half shall be paid over to the Churchwarden for the time being of the parish of Saint Michael, to be applied in aid of keeping the said road in repair.

No. 143.

No. 143.
29 April 1841.

29 April 1841.]—AN ACT to remit the Import Duty on the arrival into this Island of Chargers, belonging to Mounted Officers in her Majesty's service, and for the return of the Duties paid on such Chargers as have already arrived in this Island.

WHEREAS, under and by virtue of an Act of this Island, passed the Sixteenth day of April, One thousand eight hundred and forty, all horses imported into this Island are subject to the payment of the duty thereby imposed: And whereas, it is deemed expedient to remit such duty on the chargers belonging to mounted officers in her Majesty's service upon their arrival into this Island, and to direct the return of such duties as have been paid by mounted officers for their chargers under the provisions of said Act: Be it therefore enacted, by his Excellency Major-General Sir Evan John Murray MacGregor, Baronet, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all chargers belonging to mounted officers in her Majesty's service, shall be and they are hereby exempt from the payment of the duty imposed in and by the Act aforesaid, on a certificate from the Military Secretary to the Commander of the Forces in this Island, that such chargers are kept at the public expense for her Majesty's service, and the Treasurer of the Island is hereby directed and required to return all such duties as have been paid into his office, under the authority of the said Act, upon chargers belonging to mounted officers in her said Majesty's service, on production of such certificate as aforesaid.

No. 144.

No. 144.
2 September 1841.

2 September 1841.]—AN ACT to explain and amend an Act of this Island, entitled "An Act to prohibit the Selling of Wine and "Spirituous and other Liquors, in any of the Ports or Harbours "of this Island."

Preamble.

WHEREAS by an Act of this Island, which passed the Twenty-third day of November, One thousand eight hundred and forty, entitled "An Act "to prohibit the Selling of Wine and Spirituous and other Liquors, in "any of the Ports or Harbours of this Island," it is enacted that it shall not be lawful for any person or persons to sell, barter, or otherwise dispose of, on the waters either of Carlisle Bay, or of any of the ports or harbours of this Island, or on the sea surrounding the same, any wine, rum, brandy, gin, or other spirituous liquors, or any ale, porter, beer, or other fermented liquor whatsoever, to any mariner or other person or persons whomsoever; and whereas, as doubts may arise whether the said Act may not extend to prevent the sale of a cargo of wine or other liquors whilst on shipboard, in any of the ports or harbours of this Island, and as the object of the said Act was only to prevent the retailing of liquors within the said ports or harbours, it is hereby enacted and declared, and be it enacted and declared by his Excellency Major-General Henry Charles Darling, Lieutenant-Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Act aforesaid, and the matters and things therein contained, shall not extend or be construed to extend to prevent the sale, barter, or disposal

Wine and other
liquors not to be
retailed in the
harbour, &c.

on shipboard, in any port or harbour of this Island, of any cargo of wine or other liquors, but the same shall only extend to the selling, bartering, or disposal by retail of wines and other liquors as aforesaid.

No. 144.
2 September 1841.

No. 145.

2 September 1841.]—AN ACT to establish certain Regulations for the better ordering of the Hole-Town.

No. 145.
2 September 1841.

WHEREAS by an Act of this Island, which passed on the Sixth day of March, One thousand eight hundred and thirty-eight, certain regulations are established for the better government of Speight's-Town, which regulations have been found, by experience, to promote peace and good order in the said town: and whereas it is deemed expedient to extend to the Hole-Town certain of such regulations: Be it therefore enacted by his Excellency Major-General Henry Charles Darling, Lieutenant-Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same,—That from and after the passing of this Act, the third, eighth, ninth, eleventh, twelfth, thirteenth, and fourteenth clauses of an Act, entitled “An Act to confirm and establish certain Laws and Regulations for the Government of the Police already established in Speight's-Town,” shall be and the same are hereby extended to the Hole-Town; and every person who shall, in the Hole-Town, commit any of the offences, or omit to perform any of the duties, required in and by the said several clauses of the said Act, shall be liable to the same penalties as such person would be liable who had committed any such offence or offences, or omitted such duty or duties, in Speight's-Town, on complaint made against such person before the Police Magistrate acting for the Hole-Town, who is hereby invested with the same powers, authorities, and jurisdiction in the Hole-Town, touching the said several offences and matters in the said town, committed or omitted, as are in and by the said Act given to the Police Magistrates of Speight's-Town, or to two Magistrates in and by the said several clauses of the said Act, hereby extended to the Hole-Town; and every police officer acting under the sanction of the Police Magistrates of the Hole-Town, shall be, and is hereby authorized to perform the duties required by the superintendent of police, in the ninth clause of the said Act. And all police officers and their superior officers are hereby declared to have all the powers and protection given to them for carrying this Act and the said Act for the government of Speights'-Town into effect, as are given to constables or police officers by any Acts or Statutes of this Island, or by the ancient law of the realm.

No. 146.

8 September 1841.—AN ACT to entitle Prisoners and Persons held to bail, to a copy of the proceedings taken against them, and concerning Appeal.

No. 146.
8 September 1841.

WHEREAS it is expedient that persons committed to prison or held to bail for any offence against the law, shall be entitled to copies of the proceedings taken against them: Preamble.

1. Be it therefore enacted by his Excellency Major-General Henry Charles Darling, Lieutenant-Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all persons, who, after the passing of this Act, shall be committed to prison or held to bail for any offence against the law, shall be entitled to require, and have on application to the Magistrate, Justice of the Peace, Persons committed to prison, or held to bail, entitled to copies of proceedings, on payment of two dollars.

No. 146.
8 September 1841.

Penalty on Justices,
&c., refusing, &c., to
furnish such copies.

or Coroner before whom any proceedings are had, or other persons having the lawful custody thereof, copies of such proceedings, on payment of two dollars, and no more, to the clerk of the Magistrate, Justice of the Peace, or Coroner furnishing the same, as compensation to such clerk for his trouble in making such copies; and all Magistrates, Justices of the Peace, Coroners, and other persons having the lawful custody of such proceedings are hereby required to deliver such copies within five days after application shall be made for the same, under a penalty of Eight Dollars for refusing or neglecting so to do.

Persons appealing
from the decisions of
Justices of the Peace,
&c., or from the
Assistant Court of
Appeal, entitled to
copies of proceedings,
on payment of two
dollars.

Penalty on Justices,
&c., on refusing, &c.,
to furnish such copies.

Penalties to be paid
into the Treasury.

2. And whereas it is also expedient, that persons desirous of appealing from the decision of Police Magistrates, or Justices of the Peace, to the Assistant Court of Appeal, or from the latter to the Court of Error, should be entitled to require and have a copy of the proceedings taken in their respective cases before such Police Magistrates, or Justices of the Peace, or before such Assistant Court of Appeal: Be it further enacted, That all persons desirous of appealing from the decisions of Police Magistrates, or Justices of the Peace, or from the decision of the Assistant Court of Appeal, shall be entitled to have, on application to such Magistrates, Justices of the Peace, or Assistant Court of Appeal, before whom any proceedings are had, copies of such proceedings, on payment of two dollars and no more, to the clerk of the Magistrates, Justices of the Peace, or Assistant Court of Appeal furnishing the same, as a compensation to such clerk, for his trouble in making such copies; and the Magistrates, Justices of the Peace, or Assistant Court of Appeal before whom such proceedings are had, are hereby required to deliver such copies within five days after application shall be made for the same under a penalty of Eight Dollars.

3. And be it further enacted, That all penalties incurred under this Act, shall be to her Majesty, her heirs and successors, and shall be recovered as in case of servants' wages, and by any person prosecuting for the same, and paid into the Treasury of the Island for the public uses.

No. 147.
1 October 1841.

No. 147.

1 October 1841.]—AN ACT to authorize the enrolment in the Secretary's Office in this Island, of copies of the Charter, and Supplemental Charter of the Colonial Bank; and to render the same, or certified copies thereof, legal evidence.

Preamble.
Recites the Bank
Charter.

WHEREAS his late most gracious Majesty, King William the Fourth, by his letters patent bearing date at Westminster, the First day of June, in the Sixth year of his reign, did give, grant, make, ordain, constitute, declare, and appoint, that John Irving, Andrew Colville, Æneas Barkly, David Barclay, James Cavan, John Alexander Hankey, William Tetlow Hibbert, John Gurney Hoare, John Irving (the younger), Charles McGarel, William Miller, Thomas Masterman, Abraham George Roberts, Patrick Maxwell Stewart, Alexander Stewart, Samuel Gurney, Charles Marryatt, and Thomas Moody, esquires, or such of them as should become subscribers of not less than two thousand pounds each towards the capital or joint stock thereafter mentioned, in the manner therein-after provided, together with such and so many other person or persons, bodies politic or corporate, as should become subscribers of or towards the capital or joint stock thereafter mentioned, in manner thereafter provided; and such other person or persons, bodies politic or corporate, as should from time to time, in manner thereafter provided, become a proprietor or proprietors of any part of such capital or joint stock (not being a fractional part of one hundred pounds of such stock), should be one body politic and corporate in deed, and in name, by the name of "The Colonial Bank;" and by that name should and might sue and be sued, implead and be impleaded, in all Courts, whether of law or equity,

and should have perpetual succession with a common seal, which might be by them changed or varied at their pleasure. And his Majesty did thereby further declare, that the said corporation should be established for the purpose of carrying on the business of a banker in Jamaica and the other West India Islands, and British Guiana, and not elsewhere; subject nevertheless to such restrictions and provisions as were therein-after contained. And his said Majesty did thereby for himself, his heirs and successors, grant unto the said Colonial Bank and their successors, and did thereby will, direct and appoint that it should and might be lawful for the said corporation for the period of twenty years, commencing from the First day of May, One thousand eight hundred and thirty-six, to carry on the business of bankers, by dealing generally in bullion, money, bills of exchange, and lending money on commercial paper and government securities, and in such lawful ways and means as are usually practised among bankers, subject to the restriction therein mentioned; and did thereby further will and ordain, that it should and might be lawful to and for the corporation, during the same period, to establish one or more principal bank or banks in this Island, and the Island of Jamaica, and in such other Islands or places in the West Indies and British Guiana, as by them should be considered expedient, with such branches or agencies as from time to time might be found convenient; and at and from such principal bank or banks, branches and agencies, or any of them, to make, issue, and circulate notes, payable in dollars to bearer on demand, or otherwise subject to the provisions, regulations, and restrictions therein contained, as by the said letters patent will more fully appear.

And whereas her present most gracious Majesty, has been pleased to grant a supplemental charter to the said Colonial Bank, by her letters patent, bearing date at Westminster the Thirteenth day of October, in the second year of her reign: And whereas the said last-mentioned letters patent so granted as aforesaid by his late most gracious Majesty King William the Fourth, and the said second-mentioned letters patent so granted as aforesaid by her present most gracious Majesty, remain on record at Westminster, but copies of the same, duly examined and compared with the said original letters patent so granted as aforesaid by his late Majesty King William the Fourth, and by her present Majesty, have been transmitted to this Island, together with the declaration of John Baptist Holman and John William Sloper, of Mansion House Place, in the city of London, gentlemen, by whom the same were examined and compared, and the said copies of the said letters patent and the said declaration, under the seal of the Lord Mayor of the city of London, have been duly recorded in the Secretary's office of this Island.

And whereas, to obviate any doubts which may arise as to the said copies of the said letters patent so transmitted to this Island, and recorded as aforesaid, and also as to certified copies thereof from the Secretary's office of this Island, being admissible as evidence of the original letters patent,—May it please your Majesty, upon the humble petition of the said Colonial Bank, that it may be enacted, and be it therefore enacted by his Excellency Major-General Henry Charles Darling, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the said copies of the said letters patent, so recorded in the Secretary's office of this Island, and the said declaration shall be, and the same are hereby deemed and taken to be, duly and legally recorded; and that the same and the record thereof in the said Secretary's office, or any copy or copies thereof at any time or times made and certified by the Secretary of this Island, in the same manner and form as deeds or other records are certified by him, according to the laws of this Island, shall be admitted in all Courts and places in this Island as legal evidence, to the extent and for the purposes to which the

Recites the Supplemental Charter.

Copies of the examined and recorded copies of the Charter, &c., admitted as evidence.

No. 147.
1 October 1841.

Declared to be a
public Act.

No. 148.
16 October 1841.

No. 148.

16 October 1841.—AN ACT to amend an Act of this Island, entitled,
“An Act for more speedy remedy in Distresses taken Damage
“feasant and Trespasses done by Horses, Cattle, and other living
“chattels.”

Preamble.

WHEREAS the proceedings under an Act of this Island, entitled “An Act
“for the more speedy remedy in Distresses taken, Damage feasant and
“Trespasses done by Horses, Cattle, and other living chattels,” are
tedious and expensive, and it is deemed expedient to amend the same,
and to authorize impounding of horses, cattle, and other living chattels
when found trespassing on any plantation, land, or place :

1. Be it therefore enacted by his Excellency Major-General Henry
Charles Darling, Lieutenant-Governor and Commander-in-Chief, the
Honourable the Members of her Majesty's Council, and the General
Assembly of this Island, and by the authority of the same, That it shall
and may be lawful for the owner, proprietor, overseer, or other person in
charge or possession of any plantation, land, or place, to cause any horse,
mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels not
already provided for by law, when found trespassing on such plantation,
land, or place, to be impounded on such plantation, land, or place; and
for every horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other
living chattels so impounded, the owner or proprietor, or person pos-
sessed of such plantation, land, or place, shall be entitled to half a dollar,
which if not paid within three days from the time the owner or person
in charge or possession thereof shall receive notice in writing of such
trespass, or such notice being left at his usual residence, it shall and may
be lawful for the owner, proprietor, attorney, overseer, or other person,
in charge or possession of such plantation, land, or place, to insert an
advertisement in one of the public papers of the Island, offering for sale
such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living
chattels, and proceed by a constable to sell the same by public auction at
the station-house of the district within which the impounding shall take
place; and such constable shall be entitled to retain for his use the sum
of one dollar out of the proceeds of the sale, for his trouble in conducting
such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living
chattels, to the said station-house, and selling the same; and if any
constable shall refuse to perform the duty hereby required of him, he
shall incur a fine of Four Dollars, to be levied and raised as in the case
of servants' wages, and paid into the Public Treasury; and after deducting
the sum aforesaid, together with the expenses of feeding, not exceeding
the rate of a quarter of a dollar for each day after the first day of
impounding, and also the expense of advertising such horse, mare,
gelding, mule, ass, bull, ox, cow, calf, or other living chattels, the over-
plus (if any arising from such sale) shall be paid over by the party
impounding the same to the rightful owner thereof: Provided never-
theless, that should such owner or person in charge of such horse, mare,
gelding, mule, ass, bull, ox, cow, calf, or other living chattels, be unknown,
the time shall be extended to seven days, after the expiration of which,
the party impounding the same shall proceed to advertise and sell the
same, accurately describing such horse, mare, gelding, mule, ass, bull,
ox, cow, calf, or other living chattels, and the time and place of im-
pounding the same, and when and where the sale will take place, and

Horses, cattle, &c.,
how to be dealt with
when impounded.

after deducting the aforesaid sum, together with the expenses of feeding, advertising, and sale, the overplus (if any) shall be paid into the Public Treasury of this Island, and if not claimed within two months, shall be forfeited to the use of the public. But if the owner, proprietor, attorney, overseer, or other person in charge or possession of any plantation, land, or place, so trespassed on, cannot take and impound such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels; or should, after impounding the same, consider the sum mentioned not equivalent to the damage done by such trespass, such person may return such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, to the rightful owner, or the person having the charge or possession, and lodge a complaint before the Police Magistrate or any other Justice of the Peace, who is hereby required to issue a summons to any three freeholders to attend and appraise such damage,—and the said Police Magistrate, or other Justice of the Peace shall issue his execution for levying and raising the amount of such damage, as in the case of servants' wages, to and for the use of the party aggrieved: and if any freeholder summoned for the purpose aforesaid, shall neglect or refuse to attend and appraise such damage, without reasonable cause to be approved by the said Police Magistrate or Justice, he shall incur a fine of Four Dollars, to be recovered as in the case of servants' wages, and paid into the Public Treasury of this Island.

2. And be it further enacted, That any person impounding such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, shall not be liable or responsible for the death or injury of such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels so impounded, unless it shall be proved that such horse, mare, gelding, mule, ass, bull, ox, cow, calf, or other living chattels, died or was injured by the wilful act or neglect of the person impounding the same.

No. 148.
16 October 1841.

When the animal cannot be impounded, or the damage exceeds the sum allowed, on complaint to a Police Magistrate, he may summon three freeholders to appraise damage, &c.

Freeholders summoned, and not attending, liable to a fine of Four Dollars, unless he show reasonable cause.

Persons impounding, liable only for wilful act or neglect, &c.

No. 149.

15 November 1841.]—AN ACT to alter and amend an Act entitled, "An Act to confirm and establish certain Rules and Regulations for the government of the Police already established in "Speight's-Town," and to extend said amendment to the Hole-Town.

No. 149.
15 November 1841.

WHEREAS by the seventh Clause of an Act of this Island, entitled "An Act to confirm and establish certain Rules and Regulations for the "government of the Police already established in Speights'-Town," passed the sixth day of March, One thousand eight hundred and thirty-eight, it is provided that no house, storehouse, kitchen, stable, or building whatsoever shall be erected within the limits of Speights'-Town, or within three hundred yards of such limits, otherwise than with such materials, and in such manner as in the said Clause particularly mentioned: And whereas it does not seem absolutely necessary that the mode of building prescribed in and by the said Clause, should be applicable to the erection of buildings in all the streets, alleys, and lanes within the limits of the said town, or within three hundred yards of such limits: Be it therefore enacted by his Excellency Major-General Henry Charles Darling, Lieutenant-Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Vestry of the parish of Saint Peter, in which the said town is situate, or a majority of them, shall ascertain within two months after the passing of this Act, and report to his Excellency the Lieutenant-Governor, or the Commander-in-Chief for the time being, which of the said streets, alleys, and lanes of Speight's-Town aforesaid, are principal streets, alleys, and lanes, and ought to be subject to the regulations respecting the mode of

Preamble.
Recites the regulation respecting the building of houses, &c.

No. 149.
15 November 1841.

To what streets, &c.,
such regulation is
restricted.

Proviso.

Supplies an omission
in the Act referred to.

When an offender
may be apprehended
without warrant, he
may be summoned by
warrant.

Amendments con-
tained in this Act
extended to the Hole-
Town.

building prescribed in and by the seventh Clause of the Act aforesaid; and when and so soon as such report shall be approved and made known by his said Excellency the Lieutenant-Governor or Commander-in-Chief for the time being, the said seventh Clause of the Act aforesaid, for regulating the building of houses within Speight's-Town aforesaid, and the limits thereof, shall be and is hereby declared to be applicable to such streets, alleys, and lanes only within Speight's-Town aforesaid, which shall and may be mentioned and set forth in the said report so approved as aforesaid, and not further or otherwise: Provided always, that the Vestry of the said parish, or the major part of them, shall regulate at what distances from each other wooden houses or buildings may be erected under the authority of this Act.

2. And whereas, in certain of the Clauses of the said Act, penalties are imposed for the non-observance or non-performance of the provisions thereof; but the mode of recovery is not pointed out, for the remedy whereof: Be it further enacted, That in all cases in which the mode is not pointed out for recovery of any penalty or penalties imposed by the said Act, such penalty or penalties shall and may be recovered as in the case of servants' wages.

3. And whereas it is provided in certain cases, that offenders under the said Act, may be apprehended without warrant, when found committing the offences therein mentioned: And whereas doubts have arisen whether if such offenders are not apprehended in the fact, they can afterwards be brought up by warrant before the Police Magistrate of the town to answer for their offences: in order therefore to remove such doubts, Be it further enacted, That in all cases in which any offender or offenders under the said Act, liable to be apprehended in a summary manner, shall not be so apprehended, it shall and may be lawful for the said Police Magistrate of Speight's-Town aforesaid, to issue his warrant or warrants either for summoning the offender or offenders for his or their appearance before him, or for apprehending and bringing the said offender or offenders before him, to be dealt with according to the provisions of the said Act, in like manner as if he, she, or they had been apprehended in a summary manner without warrant.

4. And whereas by a certain other Act of this Island, passed the Second day of September, One thousand eight hundred and forty-one, entitled "An Act to establish certain Regulations for the better ordering of the Hole-Town," certain of the clauses of the hereinbefore first-mentioned Act are extended to the regulating of the said town, called the Hole-Town: Be it therefore further enacted, That the amendments contained in this Act so far as they relate to any of the Clauses of the said first-mentioned Act, and which are extended to Hole-Town, shall be and they are hereby extended to the said town, called the Hole-Town, as amendments to all such Clauses, and the same shall be in full force and effect as amendments to the said Act, entitled, "An Act to establish certain Regulations for the better ordering of the Hole-Town."

No. 150.
10 December 1841.

No. 150.

10 December 1841.]—AN ACT to amend the Law relating to pronouncing Sentence of Death in Capital Felonies.

Preamble.

WHEREAS it is expedient that in all cases of capital felonies, the Court before which the offender or offenders shall be convicted, shall be authorized to abstain from pronouncing judgment of death, whenever such Court shall be of opinion that, under the peculiar circumstances of any case, the offender or offenders is or are a fit and proper subject, or fit and proper subjects, to be recommended for the royal mercy:

Where any person
shall be convicted of

1. Be it therefore enacted by his Excellency Major-General Henry Charles Darling, Lieutenant-Governor and Commander-in-Chief, the Hon.

the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, whenever any person shall be convicted of any felony which is capital, and the Court before which such offender shall be convicted shall be of opinion that, under the particular circumstances of the case, such offender is a fit and proper subject to be recommended for the royal mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer, then being present in Court, to require and ask, whereupon such officer shall require and ask, if such offender hath or knoweth anything to say, why judgment of death should not be recorded against such offender; and in case such offender shall not allege any matter or thing sufficient in law to arrest or bar such judgment, the Court shall and may, and is hereby authorized, to abstain from pronouncing judgment of death upon such offender, and instead of pronouncing such judgment, to order the same to be entered on record; and thereupon such proper officer as aforesaid shall and may, and is hereby authorized to enter judgment of death on record against such offender in the usual and accustomed form, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open Court against such offender, by the Court before which such offender shall have been convicted.

No. 150.
10 December 1841.
a capital felony, and the Court shall think the offender a fit subject of mercy, the Court may abstain from pronouncing judgment of death, and instead order the same to be entered on record.

2. And be it further enacted, That a record of every such judgment so entered as aforesaid, shall have the like effect to all intents and purposes, and be followed by all the same consequences, as if such judgment had actually been pronounced in open Court, and the offender had been reprieved by the Crown.

The effect of a judgment so recorded.

No. 151.

22 July 1842.]—AN ACT to provide a Summary Remedy against the practice of Gambling.

WHEREAS it has become indispensable to provide a summary remedy against the practice of gambling, and more especially against such practice on the Sabbath-day: Be it therefore enacted by his Excellency

the Right Honourable Sir Charles Edward Grey, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person should be found gambling at any hazard, or cock-fighting, in any of the streets, lanes, or alleys of any of the towns or villages of this Island, or on any road or wharf, or in any boat in any of the bays, creeks, or landing-places of this Island, such persons shall on conviction thereof before any Justice of the Peace or Police Magistrate, forfeit and pay to her Majesty, her heirs and successors, a sum not exceeding Four Dollars each, together with the costs attending the trial, and in case the fine and costs be not forthwith paid, the offender shall by warrant from under the hand and seal of such Justice or Police Magistrate, be committed to the common gaol or some other prison, and kept to hard labour for any time not exceeding Ten Days, unless the fine and costs be sooner paid. And it shall and may be lawful for any police officer or constable to apprehend without a warrant any person who may be found gambling or engaged in cock-fighting as aforesaid, and to bring or cause such person to be brought before a Justice of the Peace or Police Magistrate at his office, to be dealt with according to law; and in case such office shall not be open, then to commit every such person to safe custody for the present: Provided always that it shall be lawful for any serjeant or corporal of police to take bail for the appearance of such person instead of detaining him in custody as aforesaid.

Preamble.
Persons found gambling, or cockfighting in any street, &c., road, &c., wharf, or in any boat, &c., on conviction before any Police Magistrate, &c., to forfeit not exceeding Four Dollars each, &c.

Such persons may be apprehended without warrant, by a police officer or constable, &c.

2. And be it further enacted, That it shall and may be lawful for Public-houses and

No. 151.
22 July 1842.

places of public resort may be entered on the Sabbath day by any public officer, &c., where persons shall be suspected to be gambling, who may be apprehended and detained until they can be brought before a Police Magistrate, and on conviction to forfeit not exceeding Four Dollars, &c. Proviso.

Police officers and constables neglecting to apprehend and bring to trial any offender against this Act, may be fined, &c.

Fines to be paid into the Public Treasury.

any police officer or constable upon his own view of the fact, or on the information of any credible person, to enter into any public-house, or place of public resort, where any persons shall be gambling, or be suspected to be gambling, on the Sabbath day, that is, from twelve of the clock on Saturday night to twelve of the clock on Sunday night, and to apprehend and detain such persons in custody at any police station, until such persons can be brought before a Justice of the Peace or Police Magistrate at his office; and every person so apprehended and brought before such Justice of the Peace or Police Magistrate, shall on conviction of the offence aforesaid, be dealt with as an offender under the first Clause of this Act: Provided always, that it shall be lawful for any serjeant or corporal of police, to take bail for the appearance of such person, instead of detaining him in custody as aforesaid.

3. And be it further enacted, That if any police officer or constable shall be guilty of neglect of duty in apprehending and bringing to trial any offender against the provisions of this Act, every such police officer or constable, shall on conviction before a Justice of the Peace or Police Magistrate, for every such neglect of duty, be dealt with as an offender under the said first Clause of this Act.

4. And be it further enacted, That all fines and forfeitures incurred under this Act, shall be to the public uses of the Island, and be paid into the Treasury.

No. 152.
30 December 1842.

No. 152.

30 December 1842.]—A SUPPLEMENTAL ACT to an Act entitled “An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries.”

[Clauses 1, 2, and 3 had their effect]

Preamble.

WHEREAS the time for which the present House of Assembly was elected will expire on the fifteenth day of February next; and whereas it is doubtful whether under the provisions of the said Act, entitled “An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries,” which was confirmed by her Majesty in Council on the second of November last, another House of Assembly could be elected before the month of December next, which will be in the year of our Lord One thousand eight hundred and forty-three: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty’s Council and the General Assembly of this Island, and by the authority of the same.

4. And be it further enacted, That no Police Magistrate nor other person shall be capable of being elected as a Member of the General Assembly to represent any parish or place in which within three years next preceding the election he shall have been employed under the provisions of the said Act, either as a Police Magistrate, or by virtue of any special appointment by the Governor in Council, in making, or causing to be made for such parish or place, the list of voters which are required by the eighteenth and nineteenth clauses of the said Act.

Police Magistrates, &c., when not eligible as Members of Assembly.

No. 153.
8 February 1843.

No. 153.

8 February 1843.]—AN ACT to approve and confirm certain amendments and additions to the Bye-laws, Ordinances, and Regulations for the good Government of the City of Bridge-Town, and to extend the same to Speight’s-Town and the Hole-Town.

Preamble.

WHEREAS by an Act of this Island, entitled “An Act to establish a Police in Bridge-Town, in the parish of St. Michael, the Vestry of the said

parish of St. Michael, or any ten of them, are authorized and empowered from time to time to prepare bye-laws, ordinances, and regulations for the good government of the town, provided that such bye-laws, ordinances, and regulations should be laid before the Governor, Council, and General Assembly of this Island, for their approval and confirmation: And whereas the Vestry of the said Parish of St. Michael have recently laid before the Legislature, for approval and confirmation, certain amendments and additions to the existing bye-laws, ordinances, and regulations, and which said amendments and additions are as follows:

1. That the second and third sections of the first ordinance shall extend to cooper shops and cooperages, and further that no person or persons shall manufacture or fire any cask or casks in any of the streets, lanes, or alleys of the said city of Bridge-Town, under a penalty not exceeding Fifty Shillings current money of this Island. Cooper shops, &c., Casks.

2. That with respect to the fourth section of the said first ordinance where any chimney shall be found to be in a foul condition, the burden of proof that the said chimney was swept within the period prescribed by the said ordinance shall rest on the party complained against. Chimneys.

3. That with respect to the third ordinance relating to "porters, carters, boatmen, and labourers," all licenses issued under said ordinance shall be issued on the 31st day of December, in each and every year, and shall be returned to the said Justices mentioned in said ordinance, on the said 31st of December in each and every year, or within five days after, under a penalty not exceeding Twenty-five Shillings. And the said Justices are hereby authorized and empowered to demand a proportionate charge for every such licence issued, and they are also hereby empowered and authorized at their discretion to take away such licence from any porter, carter, or boatman who shall be subsequently convicted of theft before them or any other Justice or Court. Porters, carters, and boatmen.

4. That with respect to the fifth ordinance, "regulating the time for bringing provisions, poultry, guinea-grass, and other articles from the country into the said city of Bridge-Town;" that the same shall extend to sheep, goats, hogs, and butchers' meat; and the said Justices mentioned in said ordinance are also hereby empowered and authorized to restore all such articles to the person in whose possession they are found, if it is satisfactorily proved to the said Justices that such person came by them honestly. Provisions, &c.—bringing same to town after the proper hours.

5. That with respect to the seventh ordinance, relating to the keeping of the streets clean, the following proviso shall be added to the first section.—"That in all cases where it is proved to the satisfaction of the Magistrates that the doors of persons given in for not having been swept before 10 o'clock, were clean and did not require sweeping, that no penalty shall be imposed." Sweeping streets, &c.

6. That with respect to the ninth ordinance, relating to dogs; no dog shall be allowed to be in any street, square, or lane, within the limits of the said city, either by itself, with its owner, or any other persons, without being safely muzzled, under a penalty not exceeding Ten Shillings, to be paid by the owner or proprietor of such dog: and no dog shall be allowed to infest the market-place under a penalty not exceeding Twenty-five Shillings, to be paid by the owner or person permitting such dog to follow him, her, or them, therein. And where any question shall arise as to the ownership of any dog, the party complained against may be examined as a witness for the purpose of ascertaining the owner. Dogs.

7. That with respect to the tenth ordinance, relative to the firing of guns, pistols, or other fire-arms, in consequence of the danger arising to the inhabitants of the said city from the firing of guns in many parts thereof; the same shall extend to all streets, squares, lanes, or places within the limits of the said city, including the Upper Reef near Rickett's Battery, and the place adjacent called the Spit. Fire-arms—firing same on the Upper Reef, &c., prohibited.

8. That with respect to the twelfth ordinance, relative to the dispersing of all mobs, and the punishment of all indecorous behaviour in the streets, &c. Dancing not allowed in the streets, &c.

No. 153.
8 February 1843.

Dancing-houses
where money is re-
ceived to be shut at
11 o'clock.

Offenders liable to be
apprehended may be
summoned, &c.

Nuisances—when Ma-
gistrates may afford
redress.

Imprisonment in de-
fault of paying pen-
alties.

Confirms the ordi-
nances.

Ordinances extended
to Speight's-Town and
the Hole-Town.

within the limits of the said city; no dancing shall be permitted to take place in any of the streets, lanes, alleys, yards, or other open places within the limits of the said city, under a penalty not exceeding Fifty Shillings, to be paid by the person or persons promoting or superintending the same; and every police officer or constable is hereby required to disperse all such assemblages. And with a view of checking the riotous and indecorous behaviour nightly occurring until a very late hour, in houses where dances are held for the express purpose of making money, and where persons of the worst description promiscuously assemble together to the great nuisance and annoyance of the peaceable inhabitants of the said city; all such dancing-houses shall be closed by eleven of the clock at night, and all persons therein shall disperse at such hour under a penalty not exceeding Five Pounds current money of this Island, to be paid by the owner, proprietor, or occupant of such house. Provided always, That this ordinance shall not be construed to extend to dances conducted in houses peaceably and quietly where money for entering is not paid and received on the night of such dance.

9. That whereas under the second section of the said ordinance, doubts have arisen whether the Justices have jurisdiction when the offender under said ordinance is not apprehended; that therefore in all cases where complaint is made within ten days after any offence is committed against said ordinance, the Justices shall have full power and authority to summon such offender before them on the complaint of any person or persons, and to impose the same punishment as if he or she had been apprehended at the time of committing such offence.

10. That any nuisance of whatsoever nature which may be prejudicial to the health, cleanliness, and comfort of the said city, or of any of its inhabitants, and shall be deemed a just cause for complaint before two magistrates, and they are hereby required to afford relief or redress to any householder making complaint of the same; and in case of contumacy on the part of the offender, he or she shall on a further complaint, be subject to a penalty not less than Five Shillings, and not exceeding Fifty Shillings, and in default of payment to Imprisonment for any time not exceeding One Month, at the discretion of the magistrates.

11. That in all cases under these ordinances where penalties are adjudged to be paid by the Judges or magistrates, in default of payment they shall have the power to order in lieu thereof Imprisonment not exceeding One Month.

Clause 1.—And whereas it is deemed expedient that the said amendments and additions to the said bye-laws, ordinances, and regulations, should be confirmed: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the said amendments and additions to the said bye-laws, ordinances, and regulations, shall be, and the same are hereby approved and confirmed.

Clause 2.—And whereas it is expedient that such of the said amended bye-laws, ordinances, and regulations as are not in force in Speight's-Town and the Hole-Town should be extended thereto: Be it therefore enacted by the authority aforesaid, That such of the said amended bye-laws, ordinances, and regulations, as are not already in force in Speight's-Town and the Hole-Town, shall be, and the same are hereby extended to those towns as fully to all intents and purposes as if the same were herein particularly set forth.

No. 154.

No. 154.
8 February 1843.

8 February 1843.—AN ACT to provide for the due transaction of the Public Business, during the Dissolution of the General Assembly of this Island.

WHEREAS under and by virtue of certain Acts or Statutes of this Island, Commissioners, composed in part of the Members of the General Assembly, are appointed for conducting various departments of the public business: And whereas in order that no inconvenience may be experienced by the public, by reason of the cessation of the powers of such Commissioners during the dissolution of the General Assembly, it is deemed expedient to make provision for the due transaction of the public business in such departments during such time as there may be no General Assembly duly returned and sworn for this Island. Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that in all cases in which any Member or Members of the General Assembly shall be members of any Board or Boards of Commissioners appointed for transacting any of the public business of this Island, the Governor or Commander-in-Chief for the time being shall be, and he is hereby authorized and empowered from and immediately after the expiration, or on the dissolution of the General Assembly of this Island, to appoint by warrant, under his sign manual, such a number of persons as shall be required in consequence of the dissolution or expiration of the House of Assembly, to make up the full complement of Commissioners for carrying on the business in the various departments of the public service during such time as there shall be no General Assembly duly returned and sworn for this Island, and the persons so to be appointed Commissioners shall, during such time as aforesaid, have and exercise all the powers and authorities which Commissioners being Members of the General Assembly would have had.

Governor may appoint Commissioners in the room of Members of Assembly. See Act 12 August 1845.

No. 155.

No. 155.
9 February 1843.
See Trade Act, 1852.

9 February 1843.]—AN ACT to reduce the import duties on Brandy, Gin, and other Spirituous Liquors, and also on Tobacco and Cigars; the better to regulate the import duty on Wines, and to remit the import duty on Manure.

WHEREAS by a certain Act or Statute of this Island, passed the Fourteenth day of November, One thousand eight hundred and fifteen, entitled, "An Act laying an Imposition or Duty on all Brandy, Gin, and other Spirituous Liquors imported into this Island," a duty of five shillings per gallon is imposed on all brandy, gin, or other spirituous liquors imported into this Island: and by a certain other Act or Statute passed in the present year of her Majesty's reign, entitled "An Act to revive, amend, and continue in force an Act of this Island, entitled 'An Act for laying a Duty on Goods exported from and imported into this Island,'" a duty of threepence per pound is imposed on tobacco, and ten shillings for every one hundred cigars: And whereas excessive duties being impolitic and unjust to the fair trader, and an encouragement to illicit importation, it is deemed expedient to reduce the said duties on brandy, gin, and other spirituous liquors, and also on tobacco and cigars: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable

Preamble.

No. 155.
9 February 1843.

Duty on brandy, gin,
whiskey, &c., reduced
to 2s. 6d. per gallon.

Duty on tobacco and
cigars reduced to
5 per cent.

Duty on wines fixed
at 5 per cent.

Proviso.

Manures exempt from
duty.

Proviso.

the Members of her Majesty's Council and the General Assembly of this Island, and by the authority of the same—That from and after the fifth day of April next, the Treasurer of the Island for the time being shall, instead of the duties now payable on brandy, gin, whiskey, and other spirituous liquors, demand and receive the sum of Two Shillings and Sixpence current money of this Island and no more for every gallon of brandy, gin, whiskey, or other spirituous liquors which shall be imported into this Island from and after the said Fifth day of April next: and instead of the duty now payable on tobacco and cigars, the said Treasurer shall demand and receive at the rate of Five Pounds sterling upon every One Hundred Pounds sterling of the value of such tobacco and cigars as shall be imported into this Island from and after the said Fifth day of April next.

2. And whereas under a certain Act or Statute of this Island, passed the Twenty-first day of September, One thousand seven hundred and sixty-one, a duty of four pounds ten shillings per pipe is levied on certain wines, and if such wines be in bottles, then at the rate of two shillings per dozen; and in and by the said Act passed in the present year of her Majesty's reign, entitled, "An Act to revive, amend, and continue in force an Act of this Island, entitled 'An Act for laying a Duty on 'Goods exported from and imported into this Island,' " a duty is levied on foreign wines at the rate of five pounds sterling upon every one hundred pounds sterling of the value thereof; and whereas it is desirable that the duties on wines should be better and more uniformly regulated: Be it therefore enacted, That from and after the said fifth day of April next, all wines, of whatever growth or description, which shall be imported into this Island either in wood or bottle, shall be subject and liable to one uniform duty of five pounds sterling upon every one hundred pounds sterling of the value thereof; and the said Treasurer shall not be authorized to demand and receive any other rate of duty.

3. Provided always and be it enacted, That nothing herein contained shall extend or be construed to extend to alter, weaken, or impair any of the provisions of the several Acts or Statutes aforesaid, save and except in the alteration of the amount of duties levied thereunder, and not further or otherwise.

4. And whereas it is expedient that manures imported into this Island for agricultural purposes should be exempt from duty: Be it therefore enacted, That from and after the said fifth day of April next it shall not be lawful to levy any duty or tax on manures imported into this Island, but all such manures shall be and they are hereby exempt from the payment of the import duty or tax, any law to the contrary notwithstanding.

5. Provided always and be it enacted, That nothing herein contained shall extend to alter any duties imposed by the Imperial Parliament on any of the hereinbefore enumerated articles.

No. 156.

No. 156.
14 February 1843.

14 February 1843.]—AN ACT to extend the Limits of the town called Speight's-Town, in the parish of St. Peter.

Preamble.

WHEREAS it is expedient to extend the limits of the said Town called Speight's-Town by reason of the vastly increased habitations and streets annexed thereto which are not included in the local rates of the said town, although the occupants thereof have enjoyed and do enjoy all the advantages of location and trade: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council,

and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act the limits of the said town called Speight's-Town shall be and they are hereby declared to be fixed, settled, and confined to the following boundaries, that is to say:— From the south side of Scantlebury's river (marked on the annexed plot one), eastwardly to one hundred feet in Dr. Watson's land (marked two on the plot), then turning in a north-east direction to eighty feet above the former limits by Merton Old Water-mill (marked three on the plot) in the Farm land; then more eastwardly to two hundred feet in the rear of the road leading from Diamond Rock to the Parsonage (marked four on the plot), and continue two hundred feet in the rear, or to the south of and in a parallel direction with this road (marked five on the plot) under the Parsonage hill; then it will turn northwardly under the hill, and by the road to a fustic tree (marked on the plot six); then from this tree northward, and a little westwardly to under the hill at Dover Castle, and above the house and premises of John Cozier (marked seven on the plot), and which will be one hundred and seventy-five feet in rear of the road leading to Dover Castle and to the north of the said road; it will then turn westwardly and be one hundred and seventy-five feet all the way in the rear of and parallel with this road, until it falls in with the old boundary line by Atkinson's house, according to the plan thereof hereunto annexed marked with the letter A.

2. And be it further enacted, That all houses that now are, or which shall or may at any time or times hereafter be erected within the aforesaid limits, shall be deemed taken, and considered as town property, and as such be subject and liable to be assessed and taxed, by the Vestry for the parish of St. Peter for all general rates of the said parish, as well as for the police or other local assessments, in the same manner as the inhabitants and houses have hitherto been rated by the said Vestry.

What houses to be considered town property.

No. 157.

No. 157.
14 February 1843.

14 February 1843.]—AN ACT to authorize the Sale of a spot of Land in the parish of Christ Church.

WHEREAS Christopher Charles Gill, Rector of the parish of Christ Church, in this Island, hath preferred his humble petition to the General Assembly, setting forth that in the year One thousand eight hundred and thirty-nine, a spot of land containing three-quarters of an acre was conveyed to the Lord Bishop of the diocese, and to him the said petitioner as Rector aforesaid, by Bezin K. Reece, Esquire, late proprietor of Yorkshire Plantation in the said parish, for the erection of a chapel school thereon, and for other ecclesiastical purposes. That circumstances over which he had no control had hitherto prevented the erection of the building. That another spot of land, containing two acres, and more eligible in every respect, had subsequently been offered to the petitioner, of which offer the Lord Bishop, previous to his departure from the Island, was aware and fully approved of the change of site. That with the express sanction of the venerable the Archdeacon of Barbados as Vicar-General, the petitioner had accepted the offer, and in consequence thereof was desirous of selling the first-mentioned land, and of applying the sum realised in the sale towards the erection of the contemplated chapel school, the funds being very limited, and derived mainly from the Society for the Propagation of the Gospel in Foreign Parts, and therefore the petitioner prayed the sanction of an Act, by which he might be authorized to carry into effect the proposed desirable object. And whereas, it does not seem objectionable to grant the prayer of the petitioner: Be it therefore enacted, by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor

Preamble.

No. 157.
14 February 1843.

and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that it shall and may be lawful for the Lord Bishop of the diocese for the time being—and the said Christopher Charles Gill, and his successors, rectors of the said parish of Christ Church, to sell and dispose of the said three-quarters of an acre of land, so as aforesaid granted, and conveyed by the said Bezin Reece for the purposes aforesaid, and to sign, seal, and deliver a good and sufficient deed of conveyance for the same to the purchaser or purchasers thereof, and to apply the money to arise by such sale, in aid of the object set forth in the said petition.

2. And whereas the donor of the said land hath departed this life since the preferring of the said petition to the said General Assembly: And whereas it is right and proper, that the consent of the heir-at-law of the said donor should be obtained, to the sale of the said land: Be it therefore enacted, That no sale or conveyance for the said land shall vest the fee simple and inheritance of the same, in any purchaser or purchasers, unless with the consent of the heir-at-law of the said donor, and should such heir be an infant, and there be a testamentary guardian of such heir, then of such testamentary guardian, such consent to be testified by such heir or such guardian, being an executing party to the sale or conveyance for the said land.

No. 158.
14 February 1843.

No. 158.

14 February 1843.]—AN ACT to authorize the Removal of Prisoners from the Common Gaol to the House of Correction.

Preamble.

WHEREAS it may become advisable to remove prisoners from the common gaol to the houses of correction, when the former shall be crowded with prisoners, or when fever or disease shall prevail therein, or the services of such prisoners may be required on the public works, or in the repair of the roads in the rural district: Be it therefore enacted by his Excellency Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-Chief of this Island for the time being, when he shall see cause so to do, to issue an order to the Inspector-General of Police for the removal of so many of the prisoners confined in the common gaol of this Island, as shall have been convicted of felony and sentenced to imprisonment, as he may deem proper, to any of the penitentiaries or houses of correction in the rural district at which keepers shall be employed.

Prisoners convicted of felony and confined in the common gaol may be removed to the rural districts. See Act 14 September 1847.

Prisoners so removed if sentenced to hard labour may be worked in the rural districts.

2. And be it further enacted, That when any prisoners so removed shall have been sentenced to hard labour, that it shall and may be lawful for the Commissioners of the gaol and houses of correction or any Board of them, to cause such prisoners to be put to hard labour within the walls of the prisons, or employed on any of the public works, or in the repair of the roads in the rural districts, under a proper superintendent or superintendents, to be employed by such Board at the public expense.

No. 159.
23 August 1843.

No. 159.

23 August 1843.]—AN ACT to provide for the Appointment of Matrons for the Rural Districts.

Preamble.

WHEREAS the Act authorizing the appointment of the matrons at the prisons of the rural districts has expired: And whereas it is necessary

that matrons should be appointed to carry into effect the rules and regulations for the government of the female prisoners: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Counsellors, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-Chief for the time being, on the recommendation of the Board of Gaol Commissioners, to nominate and appoint a matron at each of the rural prisons which shall be used for the imprisonment of female offenders; and to remove any such matron for misconduct or inefficiency, and from time to time to fill up all vacancies which shall occur in such appointments; and every such matron shall reside at the district prison to which she shall be appointed, and shall receive a salary of twenty pounds currency per annum, by monthly payments out of the Public Treasury, upon the certificate of the Chairman of the Board of Commissioners.

No. 159.
23 August 1843.

No. 160.

No. 160.
1 September 1843.

1 September 1843.]—AN ACT to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace to take examinations touching such Offences, and to commit to safe custody persons charged therewith.

WHEREAS it is expedient that the Commissioners named in a certain Commission made at Westminster, by her most Gracious Majesty, on the first day of June, in the first year of her Majesty's reign, under an Act of the Imperial Parliament, passed in the forty-sixth year of the reign of his late Majesty King George the Third, for the more speedy trial of offences in distant parts beyond the sea; and also the Justices of the Peace in this Island should have the power, severally as well as jointly, of taking examinations upon oath touching offences within the jurisdiction of the Admiralty of England, and of committing to safe custody persons charged upon oath with such offences: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, that it shall and may be lawful to and for any one or more of the Commissioners for the time being, named, or to be named in any commission made or granted under or by virtue of the said Act of the forty-sixth year of King George the Third, and also to and for any one or more of her Majesty's Justices of the Peace, for the time being of this Island, and they are hereby respectively authorized, empowered, and required from time to time, to take any information or informations of any witness or witnesses upon oath, which oath they and each of them are hereby respectively authorized to administer, touching any treason, piracy, felony, robbery, murder, conspiracy, or other offence of what nature or kind soever, committed upon the sea or in any haven, river, creek, or place where the admiral or admirals hath or have power, authority, or jurisdiction, and thereupon (if such Commissioner or Commissioners, Justice or Justices of the Peace shall see cause), by any warrant or warrants under his or their hand and seal, or hands and seals, to cause the person or persons charged in such information or informations to be apprehended and committed to safe custody, to remain in such custody until discharged in due course of law, or until bailed in cases in which bail may by law be taken.

Preamble.
See Imperial Act, 12 &
13 Vict., cap. 96.

Any Commissioner or
Justice of the Peace
may take information
of offences committed
on the high seas, &c.

No. 161.

20 October 1843.

No. 161.

20 October 1843.]—AN ACT to place the Chapel of the Holy Innocents, situate in the parish of St. Thomas, under the control of the Vestry of the said parish.

Preamble.

WHEREAS by the ninth clause of an Act of this Island, entitled "An Act for the better regulating the Pews, Sittings, and Seats in the several Parish Churches, Chapels, and other Places of Divine Worship within this Island," it is enacted that nothing contained in said Act should extend, or be construed to extend to or entail upon any of the respective parishes, any parochial relief or assistance in the erection, repairs, or management of any chapels or other places of public worship, which then were, or which thereafter might be erected by subscription, or otherwise in any of the parishes of this Island, and not under the control of the respective Vestries, but that all incidental and other expenses in the erection, repairs, or management of such chapels or other places of public worship should be exclusively borne and defrayed from the renting of the pews, sittings, and seats thereof, or by public subscription, or otherwise to be raised for that purpose: And whereas the said chapel of the Holy Innocents having been chiefly built at the expense of the parishioners of the parish of St. Thomas, and maintained by the Vestry, doubts have arisen as to the authority of the Vestry to make such appropriation of the parish fund, and it is expedient to remove such doubts: Be it enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all payments heretofore made by the Vestry of the parish of St. Thomas, towards the maintenance of the said chapel of the Holy Innocents should be allowed to them in their accounts, and they shall be and become indemnified in consequence of having made the same.

Had its effect.

The Chapel of the Holy Innocents placed under the control of the Vestry.

2. And be it further enacted, That from and after the passing of this Act, the said chapel of the Holy Innocents shall be, and it is hereby declared to be, under the control of the Vestry of the said parish of St. Thomas, who are hereby fully authorized to exercise the same powers and control over the said chapel as fully to all intents and purposes, as are at present exercised by them by law, in respect of the parish church, and they are hereby authorized and empowered to maintain the said chapel of the Holy Innocents, at the cost of the parishioners of the parish of St. Thomas, in the same way as the parish church is maintained by them, anything in the said in-part recited Act, contained to the contrary notwithstanding: Provided always that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of her most Gracious Majesty the Queen, her heirs and successors, or any of the bodies politic or corporate, or of any other persons, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 162.

17 November 1843.

See Act of 2 February 1859.

No. 162.

17 November 1843.]—AN ACT for more fully securing the Public Moneys, for depositing a part thereof at interest in the Chartered Banks, and for otherwise regulating the office of Treasurer of this Island.

Preamble.

WHEREAS by a certain Act of this Island, passed on the Twenty-first day of September, One thousand seven hundred and sixty-one, entitled "An

“ Act for laying an Imposition or Duty on Wines and other Strong Liquors imported into this Island, which are not of the growth, produce, or manufacture of Europe, in order to raise Money for payment of such Persons as are or shall be employed at the public charge, and for such other uses as are therein appointed,” it is, amongst other things, enacted “ That the Treasurer by that Act appointed, and all other persons, in case of his death, absence, or incapacity to be appointed, shall, before the Governor or Commander-in-Chief, for the time being, sitting in Council, enter into recognizances to the King’s most Excellent Majesty, his heirs and successors, with two such good and sufficient securities as his Majesty’s Governor or Commander-in-Chief and Council shall approve of, in the sum of twelve thousand pounds current money of this Island, for the faithful discharge of his office before he be capable of acting:” And whereas there is now in the hands of the Treasurer of this Island a large sum of money over and above the sum of twelve thousand pounds current money of this Island, applicable to the public use of this Island; and it is expedient to provide a further security for the same, and to deposit a part thereof at interest in the two chartered banks of this Island, in equal moieties, until the same shall be required for such uses as aforesaid: Be it therefore enacted, by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty’s most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of Her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the present Treasurer of this Island, or other the Treasurer for the time being, and he is hereby authorized and required on or before the first day of December next ensuing, to deposit in the two chartered banks of this Island, called respectively the Colonial and the West India Bank, in the name of the Treasurer, the whole of the public moneys, which, at the time of making such deposit, shall be in his hands, or for which he shall be accountable as Treasurer as aforesaid, over and above the sum of twelve thousand pounds, in equal moieties, there to remain at interest for the benefit and advantage of the public of Barbados, and not to be drawn out at less than three months’ notice.

Treasurer to deposit the public moneys in the chartered banks over 12,000*l*. See Act of 31 December 1861.

2. And be it further enacted, That from time to time, and at all times hereafter, when and so often as there shall remain in the hands of the Treasurer of the Island for the time being, any further or greater sum belonging to the public of this Island than five hundred pounds, over and above the sum of twelve thousand pounds, it shall and may be lawful for the Treasurer of this Island, for the time being, and he is hereby authorized and required, to deposit in like manner all such further and greater sum and sums of money than five hundred pounds over and above the sum of twelve thousand pounds in equal moieties, at interest in such banks as aforesaid, for the benefit of the said public, there to remain for the like period, and subject to such order, disposition, and control as hereinbefore directed, in respect of the moneys now in his hands as Treasurer over and beyond the said sum of twelve thousand pounds.

3. And be it further enacted, That from and after the passing of this Act the present, and every future Treasurer for the time being of this Island, shall, and he is hereby required, on the first day of every month, to make out and prepare a true and just statement of all sums of money received and paid by him during the preceding month, and on what account, showing the balance then remaining in his hands for, or on account of, the said public, such monthly statement or statements to be laid before the house of Assembly at each sitting of the said house, by the Treasurer for the time being of this Island.

Monthly statements of receipts and payments by the Treasurer to be laid before the House of Assembly.

4. And be it further enacted, That in case of the death of the present or any future Treasurer of this Island, such moneys so deposited in such

in case of Treasurer’s death, the moneys in

No. 162.
17 November 1843.
the banks to become
vested in his successor.

Proviso.

banks as aforesaid, shall not vest in the executors or administrators of such Treasurer so depositing the same, but the same shall, in any such event, immediately vest in the successor in office of any such Treasurer, subject to the provision hereinbefore in that behalf made and declared for the order, disposition, and control thereof; and in case any loss shall happen by reason of the depositing of the public moneys pursuant to the directions hereinbefore contained in both or either of such banks, the Treasurer for the time being, and his securities, shall not be liable to make good the same, but such loss shall be borne by the public: Provided always that nothing herein contained shall exonerate, or be construed to exonerate, such Treasurer and his sureties from any responsibility they shall or may incur by the acts or defaults of the said Treasurer.

No. 163.
14 December 1843.

No. 163.

14 December 1843.]—AN ACT to authorize the exchange of a part of the Glebe Land in the parish of St. Michael for other Land.

Preamble.

WHEREAS, by an Act of this Island, which passed on the Fourth day of June, One thousand eight hundred and forty, entitled "An Act for the better care and maintenance of Lunatics," the Commissioners appointed by law for directing the repairs of the Town-Hall, are authorized to select a fit and convenient spot of land, with or without building thereon, on which to erect and establish a lunatic asylum, and should the said spot of land so to be selected be private property, the said Commissioners are authorized to contract for and purchase the same, and to draw an order on the Treasurer of the Island for the amount of the purchase money: Provided always that the site selected by the said Commissioners for the erection of such asylum, and a plan of the buildings be first submitted by the said Commissioners to the Governor and Council for their approval: And whereas the said Commissioners have selected a part of the glebe land of the parish of St. Michael as the most fit and convenient site for the erection and establishment of a lunatic asylum; and have submitted the same to the Governor and Council for their approval, who have approved of such site: And whereas it is deemed expedient that the Rector of the said Parish of St. Michael, with the consent of the patron and bishop of the diocese, be authorized to convey the said spot of land so selected, as a site for the said intended lunatic asylum, to her Majesty, her heirs and successors, for the purposes of the said Act:

1. Be it therefore enacted, by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and immediately after the passing of this Act, it shall be lawful for the said Commissioners, and they are hereby required to have the said spot of land valued by a jury to be summoned and held in the manner practised and established by law for laying out the public roads of the Island, and for that purpose the said Commissioners, or a Board of them, shall have, and they are hereby invested with the same powers as the Commissioners of Highways have in the case of laying off public roads.

2. And be it further enacted, That after such valuation shall be made, it shall be lawful for the Rector of the said Parish of St. Michael, with the consent of the Patron and Bishop of the Diocese, to execute a conveyance for the said spot of land to her Majesty, her heirs and successors, and such conveyance shall be binding on the said Rector and his successors; and as a recompense to the said Rector and his successors for the loss of such land, the said Commissioners or a Board of them, are

hereby authorized and required to draw an order on the Treasurer of the Island in favour of the Archdeacon of Barbados and the Rector of the said Parish of St. Michael for the amount to which the said spot of land shall be so valued, which order the said Treasurer is hereby authorized and required to pay out of any of the public moneys in his hands. And the Archdeacon of Barbados, and the Rector of the said parish of St. Michael, are hereby required to invest the value of the said spot of land in the purchase of such other lands and hereditaments for the benefit of the said Rector and his successors, Rectors of the said parish of St. Michael, as shall be sanctioned by the Patron and Bishop of the diocese. Provided always, that nothing in this Act contained shall extend, or be construed to extend to, or affect the rights of her most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons whomsoever, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 164.

No. 164.
2 January 1844.

2 January 1844.]—AN ACT to provide for furnishing Sheriffs at Elections for Vestrymen, with Lists of the Persons qualified to vote at such Elections.

WHEREAS by the Act of this Island entitled “An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries,” the lists taken for each parish of the persons entitled to vote in the election of Members to serve in the General Assembly are to be transmitted to the Secretary’s office of the Island, there to be kept among the records of the Island, and the Secretary is required before the holding of any election for Members to serve in the General Assembly, to furnish the Sheriff or other returning officer of every parish where the election is to be holden, with a certified copy of the last lists which shall have been taken of the electors and persons claiming to vote for such parish: And whereas it is provided in and by the said Act, that every person entitled to vote for the election of Members of the Assembly, shall be qualified to vote for members of the vestry for the parish in which he is so entitled to vote for the election of Members of the Assembly, but no provision is made for furnishing the Sheriffs at the election of Vestrymen with the lists of the voters and persons claiming the vote at such election: for remedy whereof, Be it enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty’s most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty’s Council and the General Assembly of this Island, and by the authority of the same, That the Secretary of the Island for the time being, shall, four days at the least before the holding of any election for Vestrymen, furnish the Churchwarden of each parish with a certified copy of the last lists which shall have been taken of the electors and persons claiming a vote for every such parish for which any such election for Vestrymen shall be to be holden; and every such Churchwarden so furnished with such lists, shall lay or cause the same to be laid before the person who shall act as Sheriff at the election of Vestrymen for the parish for which he shall be Churchwarden, when and so soon as such person shall be duly sworn to act as Sheriff.

Preamble.
Secretary to furnish Churchwardens with certified copies of lists of voters four days before the election for Vestrymen. Churchwardens to hand such lists to the Sheriffs, &c.

No. 165.
8 May 1844.

No. 165.

8 May 1844.]—AN ACT to grant to Frances Greaves, widow of Hugh Edward Greaves deceased, a certain Sum of Money per annum, for and during her natural life.

Preamble.

WHEREAS the Legislature of this Island did on the Tenth day of October, One thousand eight hundred and thirty-eight, grant a pension of fifteen pounds currency per annum to Hugh Edward Greaves, in consequence of his having received a wound whilst engaged in blasting stones for the public service, which rendered him incapable of maintaining his family: And whereas the said Hugh Edward Greaves departed this life on the tenth day of October last past, leaving a widow and several children destitute of the means of subsistence, the representatives of the people therefore conceiving that it would be right and proper, to extend the said pension to Frances Greaves, widow of the said Hugh Edward Greaves, deceased, pray that it may be enacted: And be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council and the General Assembly of this Island, and by the authority of the same, That the Treasurer of this Island for the time shall pay to the said Frances Greaves, widow of the said Hugh Edward Greaves, deceased, out of any of the public moneys in his hands, the sum of fifteen pounds currency per annum for and during her natural life, and to be computed from the tenth day of October last past, that being the day on which the said Hugh Edward Greaves departed this life.

No. 166.
12 June 1844.

No. 166.

12 June 1844.]—AN ACT for better establishing the Salary of the Secretary of the Island.

[Clause 4 had its effect.]

Preamble.

WHEREAS on the death of the last patentee of the office of Secretary of this Island, his most gracious Majesty King William the Fourth was pleased to assign out of the emoluments of the said office a fixed salary of seven hundred pounds sterling per annum, as sufficient remuneration for the services of the person appointed to perform the duties of the said office; and his said most gracious Majesty was further pleased to order that the surplus emoluments of the said office should be paid into the Treasury of the Island for the public use: And whereas it is deemed expedient to fix and establish the said salary of the Secretary of the Island by legislative enactment:

Secretary of the
Island's salary.

Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Secretary of this Island shall be allowed a salary, at and after the rate of seven hundred pounds sterling per annum as a remuneration for his services in executing the duties of his office as Secretary of the Island, and also the other duties incident thereto as Clerk of the Council and Remembrancer of the Court of Exchequer; and the said Secretary shall also be allowed an annual sum not exceeding four hundred pounds sterling, for the hire of an office and clerks, and for the purchase of books, stationery, and other incidental expenses of his office; and the Treasurer of the Island for the time being shall pay, and he is hereby directed to pay to the said Secretary, the said

salary and allowances by even quarterly payments, commencing from the day of the passing of this Act. Provided always, that if the said Secretary shall hereafter be provided with an office at the public expense, the sum of sixty-six pounds sterling per annum shall be deducted from the said allowance of four hundred pounds.

2. And be it further enacted, That the said Secretary shall pay over at the end of every quarter, commencing from the day of the passing of this Act, to the Treasurer of the Island, the amount of all fees and emoluments derived from the said offices of Secretary of the Island, Clerk of the Council, and Remembrancer of the Court of Exchequer; and the said Secretary, at the time of paying over the same, shall deliver to, and leave the said Treasurer, a detailed and classified statement and account in writing of the sums of money received by him during the quarter, in order that such statement and account may be laid before the Committee of Public Accounts for examination.

3. And be it further enacted, That nothing herein contained shall be construed to take away or affect the right of the Secretary of this Island for the time being to execute and perform the duties of a notary public, and to receive and apply the fees arising from such office to his own use. Provided always, that the incidental expenses necessary for carrying on the business of such notarial office, shall not form an item of additional charge to the public of this Island.

No. 166.
12 June 1844.

His allowance for office rent, Clerks' salaries, &c.

Secretary to pay over to the Treasurer quarterly all fees, &c., with a statement in writing thereof.

Notary Public.

No. 167.

12 June 1844.]—AN ACT for altering the time of making the Annual Return of Lands.

No. 167.
12 June 1844.

WHEREAS by the first clause of an Act of the Island passed the Third day of November, One thousand seven hundred and seventy-two, entitled, "An Act to ascertain the Quantity of Land in the several Parishes of this Island," it is provided that every person possessed of any land in this Island, or some person or persons knowing the exact quantity of land belonging to or in the possession of such other person, should, some time between the first day of November and the first day of December in every year, give in or cause to be given in upon oath or affirmation the true and exact quantity of such land to the Churchwarden for the time being of the parish in which the land might be: And whereas by an Act of this Island passed the Third day of June, One thousand eight hundred and thirty-six, the time of giving in such land was altered, and the same was required to be given in between the first day of May and the first day of June in each year: And whereas the said last-mentioned Act expired on the first day of March in this present year: And whereas it is deemed expedient to continue the alteration made in and by the last-mentioned Act for the giving in of lands: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That within thirty days after the passing of this Act, and also some time between the first day of May and the first day of June in each and every following year, such person or persons as aforesaid shall give in or cause to be given in his, her, or their land to the Churchwarden of the parish where such land lies instead of giving in the same between the first day of November, and the first day of December, as provided in and by the said Act of the Third day of November, One thousand seven hundred and seventy-two. And any person making default in not giving in his or her land within the time prescribed by this present Act, shall incur such penalties as are imposed for the like default in and by the aforesaid Act;

Land to be given in to the Churchwardens between the 1st May and 1st June annually, under penalty.

No. 167.
12 June 1844.

and the provisions of the said Act shall be and remain binding in every particular, save and except in the alteration as to the time of giving in the lands as hereinbefore mentioned.

No. 168.
6 November 1844.

No. 168.

6 November 1844.]—AN ACT for confirming the purchase made by the Town Hall Commissioners of a Site for a Lunatic Asylum.

Preamble.

WHEREAS under the authority of an Act of this Island, passed the Fourteenth day of December, One thousand eight hundred and forty-three, the Town Hall Commissioners have purchased a part of the glebe lands of the parish of St. Michael, as a site for a lunatic asylum: And whereas it is expedient that such purchase be confirmed: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the purchase made by the Town Hall Commissioners of a part of the glebe lands of the parish of Saint Michael, at and for the price or sum of four hundred and forty pounds, twelve shillings, and sixpence current money of this Island, as and for a site for the erection of buildings thereon for a lunatic asylum, shall be and the same is hereby ratified and confirmed, and declared to be good and valid to all intents and purposes whatsoever.

No. 169.

No. 169.
8 February 1845.

8 February 1845.]—AN ACT to amend the Law relating to Jurors and Juries.

[Clauses 17 repealed.]

Preamble.

See Act of 3 May 1855.

WHEREAS it is expedient to consolidate and amend the laws relating to jurors and juries: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That so much of an Act of this Island made and passed on the Twenty-ninth day of August, One thousand six hundred and sixty-one, entitled "An Act establishing the Courts of Common Pleas within this Island, declaring also the method and manner of Proceedings, both to Judgment and Execution which are to be observed in the said Courts," as enacts "That no jury shall be summoned and sworn to try an issue in fact, except it be by consent of parties, but only such issue as hath been agreed and joined in some former Court," and as enacts that in case any person or persons returned to be jurors shall not appear at the time of trial, or after appearance shall withdraw himself from the said service, and can show no lawful cause for such his default, to be allowed by the Court, every such person shall forfeit Three Hundred Pounds of sugar, to the public use of this Island, and be forthwith by order of the Court committed until he pay the same. And also so much of an Act of this Island, made and passed the Fourth day of September, One thousand seven hundred and six, entitled "An Act for the better regulation of the Courts of Common Pleas in this Island, and to prevent several unnecessary delays in the proceedings of the said Courts," as declares what jurors shall be challenged, or by reason of consanguinity and affinity, and by whom, and enacts, that where a full jury should not appear, or

after appearing is like to remain untaken by challenge of any of the parties, the Court shall command the Marshal to name and appoint so many other able persons as then at Court, and needed, tales-men, and provides for the punishment of jurors making default, and enacts "that on a matter of law in any trial, if any Council move for a special verdict, the Court if they think fit shall order the jury to find the matter specially; and may reject their verdict if they do otherwise." And also so much of an Act of this Island made and passed the Eleventh day of May, One thousand seven hundred and eight, entitled "An Act for holding a Court of Grand Sessions of Oyer and Terminer, General Gaol Delivery, and General Sessions of the Peace in this Island," as enacts "that for the more regular holding the said Sessions, the Governor or Commander-in-Chief for the time being, by and with the advice and consent of the Council, shall give notice to all and every the inhabitants, by his precept or writ, directed to some one member of the Council residing in each parish; but if it happen that no Councillor dwell therein, then to some one Justice of the Peace in every parish, to be published in the several parish churches within this Island, three several Sundays before the holding of the same; which said Councillor or Justice of the Peace shall be therein required in her Majesty's name to appoint, nominate, and summon six good and lawful men of the most able and substantial freeholders of the said parish, being such as are not in the Assembly, or immediately in the commission as Field Officers—at the time and place nominated and published, when and where it is to be holden, to repair to the said Sessions, and there give their attendance to do such services in her Majesty's behalf as shall be then and there required of them, and thence not to depart until they be discharged by the said Court; out of which said freeholders so to be returned as aforesaid, jurors shall be appointed in Court to serve at the said Sessions; and the return of the said jurors as aforesaid, shall be, to all intents and purposes, as good and sufficient in the law as if they had been returned by any other person or persons, or in any other manner whatsoever; and the said Councillors or Justices shall make their several returns of the freeholders so nominated, appointed, and summoned by them to the Clerk of the Crown, or his deputy, seven days at least before the sitting of the said Sessions, under the penalty and forfeiture of Fifty Pounds sterling, to her Majesty, her heirs, and successors." And also an Act of this Island, made and passed the Fourth day of December, One thousand seven hundred and fourteen, entitled "A supplemental Act for making more effectual an Act for holding a Court of Grand Sessions of Oyer and Terminer, General Gaol Delivery, and General Sessions of the Peace in this Island:" And also an Act of this Island, made and passed the Twenty-fifth day of April, One thousand seven hundred and twenty-two, entitled "An Act to repeal the Act made the Sixth day of June, One thousand seven hundred and eighteen, entitled 'An Act for the better ordering and regulating the proceedings of his Majesty's Courts of Common Pleas within this Island:.'" And also an Act of this Island, made and passed the Seventeenth day of February, One thousand seven hundred and eighteen, entitled "An Act for abrogating the oath appointed by an Act of this Island to be taken by Attorneys employed to draw up special Verdicts, and appointing another Oath instead thereof." And also an Act of this Island, made and passed the Tenth day of July, One thousand seven hundred and sixty-four, entitled "An Act laying an additional Fine on such Persons who shall be duly summoned as Jurors, and do not attend the Courts of Common Pleas in this Island:" And also an Act of this Island, made and passed on the Twenty-third day of December, One thousand seven hundred and seventy-one, entitled "An Act to regulate Venires, to remove impediments in the way of business and proceedings of the Courts of Law, and to make valid the adjournment thereof in cases of necessity, with-

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"out the presence of the Judges or their assistants:" And also an Act of this Island, made and passed the Twenty-fifth day of November, One thousand seven hundred and seventy-two, entitled "An Act to explain "and amend certain parts of an Act entitled 'An Act to regulate " ' Venires, to remove impediments in the way of business, and pro- " ' ceedings of the Courts of Law, and to make valid the adjournments " ' thereof in cases of necessity, without the presence of the Judges or " ' their assistants :'" And also an Act of this Island, made and passed the Third day of November, One thousand seven hundred and ninety-six, entitled "An Act to amend an Act for holding a Court of Grand "Sessions of Oyer and Terminer, General Gaol Delivery, and General "Sessions of the Peace in this Island:" And also an Act of this Island, made and passed the Thirteenth day of October, One thousand eight hundred and one, entitled "An Act to increase the Fines of Jurors summoned to give their attendance at the Court of Grand Sessions, and to "ascertain the excuse to be admitted in future for their non-attendance:" And also an Act of this Island made and passed the Second day of December, One thousand eight hundred and two, entitled "An "Act for defraying out of the Public Treasury, the expenses of providing "for the entertainment of the Justices and Juries of the Court of Grand "Sessions at the respective times of holding the said Court, when the "Fund of his Majesty's casual Revenue arising in this Island shall be "deficient for the purpose:" And also an Act of this Island, passed the Ninth day of May, One thousand eight hundred and nine, entitled "An Act to render Freeholders eligible, and to compel them to serve as "Jurors at the Court of Grand Sessions and Courts of Common Pleas in "this Island, notwithstanding their freeholds may be situated in different "parishes and precincts from those in which they reside:" And also an Act of this Island, passed the Sixth day of May, One thousand eight hundred and eighteen, entitled "An Act to increase the Fine on such "Persons who shall be duly summoned as Jurors, and do not attend the "respective Courts of Common Pleas in this Island:" And also an Act of this Island, made and passed the Twentieth day of August, One thousand eight hundred and twenty-four, entitled "An Act to regulate "the service of Jurors at the several Courts of this Island:" And also an Act of this Island, made and passed the Eighth day of June, One thousand eight hundred and thirty-two, entitled "An Act to remedy an "error in the Writ issued for St. Joseph's parish, for the return of Jurors "to serve at the Court of Grand Sessions to be holden for this Island on "Tuesday, the Twelfth day of June, One thousand eight hundred and "thirty-two, and for remedying errors which may happen in the return "of Jurors to serve at any future Courts of Grand Sessions, and to prevent delays in the holding of the said Courts:" And also so much of an Act, passed the Nineteenth day of February, One thousand eight hundred and forty, entitled "An Act for holding Courts of Oyer and "Terminer by special commission," as enacts that "the Governor or "Commander-in-Chief of this Island for the time being, by and with the "advice of the Council, shall issue his precept, directed to the Provost- "Marshal of this Island, to summon sixty-six good and lawful men of "the most able and substantial freeholders, twenty-six whereof to be "taken from the parish of Saint Michael, and four from each of the other "ten parishes, being such as are not of the Assembly, or immediately in "the commission as Field Officers, to repair to the said Court of Oyer "and Terminer, and there give their attendance to do and perform such "services in her Majesty's behalf as shall be then and there required of "them, and thence not to depart till they be legally discharged by the "Court; out of which freeholders so to be returned as aforesaid, jurors "shall be appointed in Court by the Chief Justice and members of the "Court of Oyer and Terminer, to serve at the said Court:" And also the second clause of the aforesaid last-recited Act: And also so much of an Act passed on the Sixth day of June, One thousand eight hundred and

forty, entitled "An Act to amend the representation of the people of this Island, and to declare who shall be liable to serve on Juries," as provides that the better to assist the Provost-Marshall in ascertaining who are liable to serve as jurors, the Secretary of the Island should furnish the Provost-Marshall with lists containing the names of the electors of the several parishes of the Island; shall from and after the commencement of this Act be, and the same are thenceforth hereby repealed, except so far as any of the said Acts or parts of Acts repeal the whole or any part of any other Acts.

2. And whereas by the said Act last above-mentioned, entitled "An Act to amend the representation of the people of this Island, and to declare who shall be liable to serve on Juries," it was enacted, "That any person possessing a qualification which by that Act would entitle him to be elected as a member to serve in the General Assembly of this Island, or to be registered as a voter in the election of members to serve in the said Assembly, not subject to any legal incapacity, should be qualified and liable to serve on juries in all and every of the Courts of Criminal and Civil Jurisdiction; and on all appraisements of property in this Island;" and it was thereby also declared, that the non-registration of any such person in the list of voters, should not exempt any such person from serving on any jury, but every such person should be liable to serve on any such jury as aforesaid, although he should not have been registered in the manner thereinbefore required to entitle him to vote at an election; anything hereinbefore seeming to the contrary thereof notwithstanding: and whereas it is expedient that further provision be made with respect to the liability of persons to serve on juries: Be it therefore enacted, that from and after the commencement of this Act, every person who, according to the laws of this Island now in force, would be qualified as a freeholder to serve on juries, if the sale or conveyance of his property had been duly recorded, shall, and he is hereby declared to be qualified and liable to serve as a juror, notwithstanding such sale shall not have been proved and recorded: Provided that he shall have had possession of the same for a period of Twelve Months or upwards: and the Churchwardens of the several parishes throughout the Island, shall within twenty-one days from the commencement of this Act, and on or before the first day of January in the year One thousand eight hundred and forty-six, and in every succeeding year, make out a true and exact list of all men residing within their respective parishes, qualified and liable to serve on juries as aforesaid, with the christian and surname written at full length, and with the true place of abode, quality, calling, or business, and the nature of the qualification of every such person in the proper columns of the form of the return set forth in the Schedule hereunto annexed, marked with the letter "A," and every such Churchwarden as aforesaid, shall within ten days after the expiration of such period of twenty-one days from the commencement of this Act, and in the year One thousand eight hundred and forty-six, and in every succeeding year, within ten days from the first day of January in each such year, make out and deliver to the Police Magistrate of the district in which he shall act as Churchwarden, a true and exact copy of such list so made by him as aforesaid, and within the like period shall cause a true copy of such list to be set up on the principal door of the parish church, with a notice written at the foot of such list, subscribed with his name, stating that all objections to such list will be heard by the Police Magistrate of the district in which any such parish is situate at the time and place therein to be specified, and shall cause such copy and notice to be continued so set up at the door of the parish church for two successive Sundays.

Persons liable to serve on juries notwithstanding their sales, &c., be not proved and recorded.

Proviso.
Churchwardens to make out lists of persons liable to serve on juries, and deliver them to the Police Magistrates.

3. And be it further enacted, That the Police Magistrate of the district to whom any such Churchwarden shall deliver any such list as aforesaid, shall, and he is hereby required to appoint a time and place for the purpose of hearing any objections to any such list, and making any

Police Magistrates to hear objections to such lists and to correct them.

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corrections therein, and the time so to be appointed for such purpose, shall commence not later than the Wednesday next following the second Sunday after such notice shall have been set up on the door of the parish church as aforesaid, and continue not less than three days; and the Police Magistrate of the district to whom any such Churchwarden shall deliver any such list, shall sit at his office for the purposes aforesaid, during such time as aforesaid, at which time and place every such Churchwarden shall attend, and shall, if need be, answer on oath such questions touching the same as shall be put to him by the said Police Magistrate; and if any man not qualified and liable to serve on juries as aforesaid, is inserted in any such list, it shall be lawful for the said Police Magistrate upon satisfactory proof by oath of the party complaining, or other proof, that he is not qualified and liable to serve on juries, to strike his name out of such list, and also to strike thereout the names of men disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body, from serving on juries; and it shall also be lawful for such Police Magistrate to insert in such list the name of any man omitted therein, and likewise to correct any errors or omissions which shall appear to him to have been committed in respect to the name, place of abode, title, quality, calling, business, or the nature of the qualification of any man included in any such list: Provided always, that no man's name, if omitted, shall be inserted in such list, nor shall any error or omission in the description of any man in such list be corrected by the said Police Magistrate, unless upon the application of such men respectively, or unless such men respectively shall have had notice that an application for such purpose would be made to the said Police Magistrate at such sitting, or unless the said Police Magistrate at such sitting shall cause notice to be given to such men respectively, requiring them to show cause at some adjournment of such sitting, to be holden within four days thereafter, which the said Police Magistrates are hereby authorized to make for such purpose, why their names should not be inserted in such list, or why any error or omission in the description of such men in such list should not be corrected; and as soon as the said lists shall be duly corrected and settled as aforesaid, the Police Magistrate and Churchwarden as aforesaid, shall jointly certify the same at the foot of, or on the back of such list, and shall sign such certificate of their allowance thereof, and the same shall forthwith be transmitted by the Police Magistrate to the Provost-Marshal of this Island; and if any Churchwarden shall at any time neglect or refuse to do what is hereby required of him, he shall forfeit and pay for every such neglect or refusal the sum of Twenty-five Pounds, to be recovered upon the complaint of any person before a Justice of the Peace, as in the case of servants' wages, one moiety thereof to be paid to the complainant, and the other moiety to the Treasurer of the Island, for the time being, to be by him applied to the public uses of this Island.

Police Magistrates and Churchwardens to certify corrected lists, which are to be transmitted to the Provost Marshal by the Police Magistrates. Penalty on Churchwardens.

Provost Marshal to cause the names to be copied alphabetically in a book to be called the Jurors' Book for the year.

4. And be it further enacted, That the Provost-Marshal or his lawful deputy, shall keep the list so returned by every such Police Magistrate to him among the records of his office, and shall cause the names to be fairly and truly copied in alphabetical order, in a book to be by him provided for that purpose at the Island's expense, with proper columns suited to the form of the return in which the lists are made, within ten days from the time of receiving the last return, which book shall be called the Jurors' Book for the year (inserting the calendar year for which such book is to be in use); and every book so prepared, shall be brought into use immediately after the same shall be perfected, and be used until the First day of March, One thousand eight hundred and forty-six, and on the said First day of March, One thousand eight hundred and forty-six, and on the First day of March in every succeeding year another book shall be so compiled, and shall be used for one year then next following.

Provost Marshal to make the returns

5. And be it further enacted, That the Provost-Marshal of this Island, or his lawful deputy, shall at least ten days before every Court of

Oyer and Terminer, and General Gaol Delivery, and General Sessions of the Peace, summon a competent number of men; twenty-four of whom at the least shall be qualified to serve as grand jurors, and be named in the Jurors' Book as such, and forty of whom at the least shall be qualified to serve as common jurors, and be in the like manner named in the Jurors' Book, and the Provost-Marshall or his lawful deputy shall return separate lists containing such names alphabetically arranged, and the places of abode and additions of such jurors, to the Clerk of the Crown or his lawful deputy, seven days before the sitting of each such Court; and the jurors so summoned, or a competent number of them as the said Court shall direct and no others, shall be the grand jurors and petit jurors, to serve as such at such Court of Oyer and Terminer, and General Gaol Delivery, and General Sessions of the Peace.

herein required of
grand and petit
jurors.

6. And be it further enacted, That a general writ of venire facias juratores for the trial of any issue whatsoever, whether civil or criminal, or on any penal action in any of the Courts of Common Pleas, Queen's Bench, or Exchequer, directed to the Provost-Marshall or his lawful deputy, or other officer to whom the return of jurors for the trial of causes before the Courts of Common Pleas, Queen's Bench, or Exchequer shall belong, to return good and lawful men of this Island, qualified to serve according to law, shall be issued by the proper officer of the said Courts, respectively signed by the Chief Judge or Chief Baron of such respective Courts ten days before the sitting of any such Court for the trial of issues or assessment of damages; and the Provost-Marshall or his lawful deputy, or other officer to whom the return of jurors for the trial of causes before the Courts of Common Pleas, Queen's Bench, or Exchequer shall belong, shall forthwith summon a competent number of men, named in the Jurors' Book to serve on juries in the said Courts respectively, pursuant to the terms of such writs respectively; which number of jurors shall not in any case be less than twenty-four, or more than forty: and the jurors so summoned, or a competent number of them, as the Judge of the said Courts respectively shall direct, and no others (unless in cases where a special jury shall be struck), shall be the jurors to serve on juries at the ensuing sitting of any such Courts, and shall remain in attendance at such Courts until discharged by the Judge of the said Courts respectively.

Provost Marshal, &c.,
to summon jurors as
herein directed.

7. And be it further enacted, That the said Provost-Marshall or his lawful deputy, or such other officer as aforesaid, shall within three days from the receipt of every such venire, return the names of men contained in the Jurors' Book for the then current year, and no others, so summoned by him as aforesaid to serve as jurors pursuant to such venire, and that where process for returning a jury for the trial of any of the issues aforesaid shall be directed to any Coroner or other person in the event and pursuant to the authority hereinafter mentioned, he shall have free access to the Jurors' Book for the current year, and shall in the like manner return the names of men contained therein, and no others: Provided always that if there be no Jurors' Book in existence for the current year, it shall be lawful to return jurors from the Jurors' Book of the year preceding.

Provost Marshal to
return the names of
jurors within three
days.

Coroner.

8. And be it further enacted, That the Provost-Marshall or his lawful deputy shall cause to be made out an alphabetical list of the names of all the jurors contained in any return made by him to any such writ or venire facias issued as aforesaid, with their respective places of abode and additions, and shall keep such list in his office for seven days at least before the sitting of any such Court from which any such writ of venire facias shall issue, and the parties in all causes to be tried at any sitting of any such Court, and their respective attorneys shall, on demand, have full liberty to inspect such list without any fee or reward to be paid for inspection.

Provost Marshal to
make an alphabetical
list of jurors, &c., for
inspection of parties.

9. And be it further enacted, That the said Provost-Marshall or his lawful deputy shall summon all persons whose names shall be transcribed

Provost Marshal to
summon jurors in the

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—
order herein pre-
scribed.

in such Jurors' Book, according to the order in which such names shall be in such book alphabetically placed, beginning with the name under the highest letter of the alphabet, and taking the name under the next highest letter, toties quoties, until he has completed the panel required, until every person shall have been summoned in his turn: and at the commencement of each year the Provost-Marshal shall begin with the names in the new book, next after the names of the persons in the old book who were last summoned in the preceding year.

Jurors when and how
to be summoned.

10. And be it further enacted, That the summons of every man to serve on juries, not being special juries, for the trial of any cause or criminal prosecution to be tried, heard, or determined in any Court of Record holden in this Island, shall be made by the proper officer, seven days at the least before the day on which the juror is to attend, by showing to the man to be summoned, or in case he shall be absent from the usual or last place of his abode, by leaving with some person there inhabiting, a note in writing, under the hand of the Provost-Marshal or his lawful deputy, containing the substance of such summons; and the summons of every man to serve on special juries in any of the Courts aforesaid, shall be made by the like persons and in the like manner aforesaid, three days at the least before the day on which the special juror is to attend.

Jurors to be drawn for
as herein prescribed.

11. And be it further enacted, That at the sitting or holding of the said Courts respectively for the trial of any such issues as aforesaid, the name of each juror summoned shall be written on a separate piece of card or paper, and put into a box, and when any such issue shall be called on to be tried, the Prothonotary or Clerk of the Court, Remembrancer, or the Clerk of the Crown and Peace, or other proper officer of the said Courts respectively, shall, in open Court, draw therefrom twelve of the said cards or papers, one after another, and if any of them whose names shall be so drawn out shall not appear, or shall be challenged or objected to, and set aside, then such further number until twelve men be drawn, who shall appear, and after all just cause of challenge allowed, shall remain as fair and indifferent; and the said twelve men so first drawn and appearing, shall be the jury to try that issue, and the names of the men so drawn and sworn, shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall, by consent of the parties or by leave of the Court, be discharged, and then the same names shall be returned to the box, there to be kept with the other names remaining at the time undrawn, and so toties quoties, as long as any issue remains to be tried.

Court may try other
issues though the first
jury may not have re-
turned their verdict.

12. And be it further enacted, That it shall and may be lawful for the said Courts to proceed with the trial of any other issue pending before any such Court, notwithstanding the jury in any other issue shall not have brought in their verdict or been discharged, and it shall be lawful for the Court to order twelve of the residue of the said parchments or cards, not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in such manner as is aforesaid for the trial of the issue which shall be so brought on to be tried: Provided also, that where no objection shall be made on behalf of the Queen or any other party, it shall be lawful for the Court to try any issue with the same jury that shall have previously tried, or been drawn to try any other issue, without their names being returned to the box and redrawn, or to order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may be justly challenged or excused by the Court, to be set aside, and another name or other names to be drawn from the box, and to try the issue with the residue of such original jury, and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried.

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13. And be it further enacted, That it shall and may be lawful for the Judge of the said Courts of Common Pleas, and Queen's Bench and Exchequer respectively, upon application made on behalf of the Crown, or upon the motion of any prosecutor, relator, plaintiff, defendant, or tenant, in any case whatsoever, whether civil or criminal, or on any penal statute (excepting only indictments for treason or felony), depending in any of the said Courts, and the said Judge of the said Courts, respectively, is hereby authorized in any of the cases before mentioned to order and appoint a special jury, to be struck before the proper officer of each respective Court for the trial of any issue joined in any of the said cases and triable by a jury, and every jury so struck shall be the jury returned for the trial of such issue.

Court on application may order a special jury in all cases except treason and felony.

14. And be it further enacted, That every person possessing the qualification which under and by virtue of the said hereinbefore in part recited Act, entitled "An Act to amend the Representation of the People" of this Island, and to declare who is liable to serve on Juries," would entitle him to be elected as a member to serve in the General Assembly of this Island, not subject to any legal incapacity and not exempt from such service as hereinafter mentioned, shall constitute and form the grand and special jurors' list for this Island, and be liable to serve as such, and the Provost-Marshall, or his lawful deputy, shall, within ten days after the delivery of the Jurors' Book for the current year, take from such book the names of all persons who shall be so qualified, and shall cause the names of all such persons to be fairly and truly copied out in alphabetical order, together with their respective places of abode, and additions, in a separate list, to be subjoined to the Jurors' Book, which list shall be called "The Grand Special Jurors' List," and shall prefix to every name in such list its proper number, beginning the numbers from the first name, and proceeding then in a regular arithmetical series, down to the last name, and shall cause the said several numbers to be written on distinct pieces of parchment or card, being all as nearly as may be of an equal size; and after all the said numbers shall have been so written shall put the same together in a separate drawer or box, and shall there safely keep the same to be used for the purpose herein-after mentioned.

Qualification required for grand and special jurors.

Provost Marshal to prepare special jury lists as herein prescribed.

15. And be it further enacted, That whenever the Judge of the said Courts of Common Pleas, Queen's Bench, and Exchequer respectively, shall order a special jury to be struck before the Prothonotary of the said Court of Common Pleas and Queen's Bench, or the Remembrancer of the Court of Exchequer, as the case may be; such officer shall appoint a time and place for the nomination of such special jury, and a copy of the rule of Court, and of such officer's appointment, shall be served on the Provost-Marshall or his lawful deputy, and on the adverse party, plaintiff or defendant; and such officer, at the time and place appointed, being attended by such Provost-Marshall or his lawful deputy, who are hereby respectively required to bring with them the "Jurors' Book" and such Special Jurors' List, and all the numbers so written on distinct pieces of parchment or card as aforesaid, shall, in the presence of all the parties interested in any of the cases aforesaid, or of their attorneys (if they respectively choose to attend, or if the said parties or their attorneys, all or any of them, do not attend, then in their absence), put all the said numbers into a box, to be by him provided for that purpose, and after having shaken them together, shall draw out of the said numbers one after another, and shall, as each number is drawn, refer to the corresponding number in the "Special Jurors' List," and read aloud the name designated by such number; and if, at the time of so reading any name, either party or his attorney shall object that the man whose name shall have been so referred to is in any way incapacitated from serving on the said jury, and shall also then and there prove the same to the satisfaction of the said officer, such name shall be set aside, and the said officer shall, instead thereof, draw out of the said box another number, and shall in

Mode of striking special juries.

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8 February 1845.

like manner refer to the corresponding name in the said list, and read aloud the name designated thereby, which name may be in like manner set aside, and other numbers and names shall in every such case be resorted to, according to the mode of proceeding hereinbefore described, for the purpose of supplying names in the places of those set aside; until the whole number of forty-eight names not liable to be set aside shall be completed: and if in any case it shall so happen that the whole number of forty-eight names cannot be obtained from the Grand and Special Jurors' List, in such case the said officer shall fairly and indifferently take, according to the mode of nomination heretofore pursued in nominating "Special Juries," such a number of names from the general "Jurors' Book," in addition to those already taken from the "Special Jurors' List," as shall be required to make up the full number of forty-eight names; all and every of which forty-eight names shall in such case be equally deemed and taken to be those of special jurors; and the said officer shall afterwards make out for each party a list of the forty-eight names, together with their respective places of abode and additions, and after having made out such list, shall return all the numbers so drawn out, together with all the numbers remaining undrawn, to such Provost-Marshal or his lawful deputy, to be by such Provost-Marshal or his lawful deputy safely and securely kept for future use; and all the subsequent proceedings for reducing the said list shall be according to the practice followed in like cases in her Majesty's Court of Queen's Bench or Common Pleas at Westminster, except where the same or any part thereof is expressly altered by this Act.

Party applying for a special jury to pay the expense of, unless the Judge certifies.

16. And be it further enacted, That the person or party who shall apply for a special jury shall pay all fees for striking such jury at the time when the same shall be struck, and shall pay all expenses occasioned by the trial of the cause by the same, and shall not, on taxation of costs, be allowed the additional expenses thereof above the expenses of a common jury, unless the Chief Judge of the Court before whom the cause shall be tried, shall immediately after the trial certify under his hand that the same was a cause proper to be tried by a special jury.

Court may order a view of any place in dispute.

18. And be it further enacted, That it shall be lawful for the said Courts to grant a rule, where it shall appear expedient to the Courts that the jury should have a view of any place in dispute, and that two or more jurors, mutually agreed on between the parties, shall be shown the place in question by two persons to be appointed by the said Court: Provided that such viewers shall be first sworn to try the issue.

Aliens may pray for a jury de medietate linguæ.

19. Provided always, and it is hereby further enacted, That nothing herein contained shall extend or be construed to extend to deprive any alien indicted or impeached of any felony or misdemeanour of the right of being tried by a jury de medietate linguæ, but that, on the prayer of every alien so indicted or impeached, the Provost-Marshal or other proper officer shall, by command of the Court, return for one half of the jury a competent number of aliens, if so many there be in the said Island, and if not, then so many aliens as shall be found in the said Island, if any; and that no such alien juror shall be liable to be challenged for want of freehold or of any other qualification required by this Act; but every such alien may be challenged for any other cause in like manner as if he were qualified by this Act.

Penalty on jurors for non-attendance, &c.

20. And be it further enacted, That every man duly summoned and returned to serve upon any jury for the trial of any cause or criminal prosecution to be tried in any Court of Record holden within this Island, who shall not appear in obedience to any such summons, after being openly called in Court three times, or offer some sufficient excuse for his absence, or shall depart from the said Court during the sitting of the same without leave of the said Court, shall forfeit and pay to her Majesty, her heirs and successors, the sum of Ten Pounds current money of this Island, for which execution, to be directed to the Provost-Marshal of this Island, or his lawful Deputy, shall issue under the hand of the Chief

Judge of the said Court, and be levied and be paid into the Public Treasury for the public uses of this Island : Provided always that it shall be lawful for the said Chief Judge at any time during the sitting of any such Court, or at, or previous to the holding of the next ensuing Court, to remit such fine, if he shall see fit so to do.

21. And be it further enacted, That if the Provost-Marshall, or other minister or officer, shall wilfully insert or omit in the Jurors' Book the name of any man which ought not to be inserted or omitted, according to the list of jurors hereinbefore directed to be made out and prepared as aforesaid by the respective Churchwardens, or shall fail to deliver a correct copy of the Jurors' Books to the said Prothonotary or Clerk of the Court, or Remembrancer, as hereinbefore directed, or shall otherwise fail well and truly to do and perform all and every the acts, matters, and things hereby required to be by him performed, such Provost-Marshall or other minister or officer shall forfeit and pay a sum not exceeding Twenty Pounds current money of this Island for every such default, to be recovered and applied in manner hereinbefore directed.

Penalty on Provost-Marshall for breach of duty.

22. And be it further enacted, That any Police Magistrate or other ministerial officer who shall wilfully neglect or refuse the duties hereby enjoined in manner herein prescribed, or shall abuse the authority hereby reposed in them respectively, shall forfeit for every such offence the sum of Fifty Pounds current money of this Island, to be recovered and applied in manner hereinbefore directed.

Penalty on Police Magistrates, &c., for neglect, &c., of the duties prescribed by this Act.

23. And be it further enacted, That every person who shall be guilty of the offence of embracery, and every juror who shall wilfully and corruptly consent thereto, shall and may be respectively proceeded against by indictment or information, and shall on conviction be punished by fine not exceeding Fifty Pounds, and Imprisonment not exceeding Twelve Calendar Months, at the discretion of the said Court.

Embracery. How punished.

24. And be it further enacted, That whenever any of the said Courts respectively shall award any process against the said Provost-Marshall or his lawful deputy, or award any process in any cause, matter, or thing in which the said Provost-Marshall or his lawful deputy cannot act on account of his being related to the parties or any of them, or by reason of any good cause of challenge, in every such case it shall be lawful for the Court awarding any such process to name and appoint some other fit person to execute and return the same to whom the same shall be directed.

When process is awarded against Provost-Marshall, &c., Court to name some other person to execute the same.

25. And be it further enacted, That all members of his Majesty's Council, and of the General Assembly, the Colonial Secretary, the Judges of the Assistant Court of Appeal and their Clerk, all Clergymen in holy orders, all Priests of the Roman Catholic faith, the Officiating Minister of the Hebrew congregation, the Treasurer, the Post-Master, the Harbour-Master, the Town and District Magistrates, and all Police Officers, all persons who shall teach or preach to any congregation of Protestant dissenters, and who shall follow no secular occupation except that of a schoolmaster, producing a certificate of some Police Magistrate to that effect, all Barristers-at-Law actually practising; all members of the Society of Doctors of Law and Advocates of Civil Law, actually practising; all Attorneys, Solicitors, and Proctors duly admitted in any Court of Law or Equity actually practising; all officers of any such Courts actually exercising the duties of their respective offices; all Coroners, Gaolers, and Keepers of Houses of Correction, all Members and Licentiates of the Royal College of Physicians in London; all Graduates in Medicine of the Edinburgh and Dublin Universities, actually practising; all Surgeons being members of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin, actually practising; all Officers in her Majesty's Navy or Army on full pay; all Officers of Customs and Excise; the Town Clerk, and Clerk of the Market, and Toll Gatherer; the Clerks of the Police Magistrates, and all Constables and Parish Clerks, and all persons of the age of sixty years and upwards—shall be and are hereby absolutely

Persons exempt from serving on juries.

No. 169.
8 February 1845.

Persons disqualified
from serving on ju-
ries.

Commencement of the
Act.

Proviso.

freed and exempted from being returned and from serving upon any juries or inquests whatsoever, and shall not be inserted in the lists to be prepared by virtue of this Act, as hereinbefore mentioned.

26. And be it further enacted and declared, That no man, not being a natural-born subject of the Queen, is or shall be qualified to serve on juries or inquests, except only in the cases hereinbefore expressly provided for, and no man who hath been, or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any man who is under outlawry or excommunication, is or shall be qualified to serve on juries or inquests in any court, or on any occasion whatever.

27. And be it further enacted, That this Act shall commence, and the provisions thereof come into force, on and after the Tenth day of February, One thousand eight hundred and forty-five.

28. Provided always, and be it further enacted, That nothing herein contained shall interfere with, or be deemed, or construed to affect the provisions of a certain Act of the Imperial Parliament made and passed in the sixth year of the reign of his late Majesty King William the Fourth, entitled, "An Act to make Provision for the better Administration of Justice in certain of his Majesty's West India Colonies."

(A.)

SCHEDULE REFERRED TO IN THE ANNEXED ACT.

Form of Jury List and Notice subjoined.

List of all Men within the Parish of _____ liable to serve on Juries.

Place of Residence.	Christian and Surname at full length.	Title, Calling, or Business.	Nature of Qualification.

Signed, _____ G. H., Churchwarden for the Parish of _____

Take notice that all objections to the foregoing list will be heard by the Police Magistrate of this Parish on the _____ day of _____ next, at the hour of _____ in the _____ noon, at _____

Dated the _____ day of _____

G. H.

No. 170.
28 April 1845.

No. 170.

28 April 1845.]—AN ACT to extend to certain days of Public Worship the provisions of an Act of this Island, entitled, "An Act the more effectually to prevent Shooting upon Sundays," and to provide summary proceedings against Persons who shall discharge Fire Arms on or near the Public Roads.

Preamble.

WHEREAS by an Act of this Island, passed the Second day of December, One thousand eight hundred and two, entitled "An Act the more effectually to prevent Shooting upon Sundays," it is provided that if any person shall upon a Sunday shoot with a hand-gun or bird-piece, at any bird or birds whatsoever, or shall go out of his house or place of habitation for the purpose of shooting birds; or shall command, permit, or suffer his servant to shoot with any gun or birding-piece, at any bird or birds, such person so offending, shall, for every such offence, forfeit and pay the sum of Thirty Shillings current money of this Island: And whereas, it is expedient that the provisions of the said Act should be

extended to Christmas Day, Ash Wednesday, and Good Friday, and to any other day which may be set apart by proclamation as a day of humiliation and thanksgiving :

1. Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the provisions of the said Act of the Second day of December, One thousand eight hundred and two, entitled, "An Act the more effectually to prevent Shooting upon "Sunday," shall be, and the same are hereby extended and declared to embrace Christmas Day, Ash Wednesday, and Good Friday, and any other day which may be set apart by proclamation from her Majesty, her heirs or successors, or from the Governor or Commander-in-Chief of this Island for the time being, as a day of humiliation and thanksgiving to Almighty God, in as full and ample a manner to all intents and purposes whatsoever, as if each and every of the said days were mentioned and set forth in the said Act. And it is hereby declared and enacted, That any offence punishable by the said Act, when committed upon a Sunday, shall, if committed upon Christmas Day, Ash Wednesday, Good Friday, or any day so set apart by proclamation as aforesaid, be punishable in the like manner as offences committed upon a Sunday contrary to the provisions of the said Act.

Provisions of an Act against shooting on Sunday extended to Christmas day, Ash Wednesday, Good Friday, and days set apart for thanksgiving, &c., by proclamation.

2. And whereas the practice of shooting on or near the public roads is dangerous to persons travelling thereon : Be it therefore enacted, That it shall not be lawful for any person to fire off or discharge any gun, pistol, or other fire-arms on any public road, or within one hundred yards of any public road (except on some lawful and necessary occasion) ; and every person so offending, shall, on conviction thereof, on the complaint of any person before the Police Magistrate, or any Justice of the Peace of the parish in which the offence was committed, be adjudged to pay to her Majesty, her heirs and successors, for the public uses of the Island, a sum (according to the circumstances of the case) not exceeding Four Dollars, together with the costs of the complaint, and in default of immediate payment, the offender shall be committed by the said Police Magistrate or Justice of the Peace, to the common gaol or other public prison, for any term not exceeding Fourteen Days, unless the fine and costs be sooner paid.

Penalty for shooting within 100 yards of the public roads.

No. 171.

10 May 1845.]—AN ACT for vesting all Lands and Buildings in this Island, now set apart according to law for purposes of Military defence and service, in the principal Officers of the Ordnance, and for granting certain powers to the said principal Officers in relation thereto.

No. 171.
10 May 1845.

See Act of 18 April 1856.

WHEREAS divers messuages, lands, tenements, estates, and hereditaments in this Island have, at various times, been set apart for military defence and service, or purchased for the use of the department of her Majesty's Ordnance, or for other military uses : And whereas it may be expedient that such parts of the said messuages, lands, tenements, estates, and other hereditaments as may not be wanted for the service of the said department, or for other military service or defence, should, from time to time, be sold and disposed of : And whereas for effecting such sales, it is necessary that all and every the said messuages, lands, tenements, estates, and other hereditaments so already set apart or purchased as aforesaid, and all other messuages, lands, and tenements, estates, and other hereditaments, that may be hereafter purchased or set apart, according to

Preamble.

No. 171.
10 May 1845.

Lands, &c., set apart for military defence, &c., declared to be vested in the principal officers of her Majesty's Ordnance in Great Britain, in trust for her Majesty.

law, for the use or service of the said department, should be vested in the principal officers of her Majesty's Ordnance for the time being :

1. Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That immediately from and after the passing of this Act, all messuages, lands, tenements, estates, or other hereditaments which have been heretofore lawfully set apart, and which still remain and stand appropriated according to law for purposes of military defence or service, or which have been heretofore purchased in trust for her Majesty, or her royal predecessors, and her and their heirs and successors, for the use or service of the said Ordnance department, or for other military service or defence, and which have not since been otherwise disposed of according to law, by whatever mode of conveyance the same shall have been so purchased or taken, either in fee or for any life or lives, or any term or terms of years, or any other or less interest; and all erections and buildings which now are, or which shall or may be hereafter erected and built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be, and become, and remain, and continue vested in the principal officers of her Majesty's Ordnance in Great Britain for the time being, and their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several estates and interests of, and in the same hereditaments respectively in trust for her Majesty, her heirs, and successors, for the service of the said Ordnance department, or for such other public service or services, as the said principal officers, or their successors in the said office shall, from time to time, order and direct.

2. And be it further enacted, That, from and after the purchase and conveyance, grant, or demise, or taking thereof, all other messuages, lands, tenements, estates, and other hereditaments, which shall, at any time or times hereafter, be purchased by the principal officers of her Majesty's Ordnance for the time being, or by any other person or persons by their order, or be placed under their charge for the service of the said Ordnance department; and all erections and buildings which shall then, or which may thereafter be erected and built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, by whatever mode of conveyance, either into or in the name of, or in trust for her Majesty, her heirs and successors; or however otherwise the same shall be purchased or taken, shall, in like manner, be and become, and remain, and continue vested in the said principal officers of her Majesty's Ordnance for the time being, and their successors in the said office, according to the nature and quality of the said messuages, lands, tenements, estates, and other hereditaments, and the several and respective estates and interests of, and in the same respectively in trust as aforesaid.

3. And be it further enacted, That it shall and may be lawful for the said principal officers of her Majesty's Ordnance for the time being, and their successors in the said office, to sell, exchange, or in any manner dispose of, or to let or demise, any of the messuages, lands, tenements, estates and other hereditaments, which shall be vested in them, under and by virtue of this present Act, with their respective appurtenances, either by public auction or private contract; and to convey, surrender, assign, or make over, or to grant or demise the same respectively (as the case may require) to any person or persons who may be willing to purchase or take the same in exchange, or otherwise respectively; and also to do any other act, matter or thing, in relation to any such messuages, lands, tenements, estates, and other hereditaments, which, by the said principal officers, shall be deemed beneficial to the public service in relation thereto; or for the better management thereof, which might

Lands, &c., hereafter to be purchased by the principal officers of Ordnance, &c., to become vested in such officers and their successors in trust for her Majesty.

The principal officers of her Majesty's Ordnance may sell, exchange, &c., such lands.

be done by any person having a like interest in any such messuages, lands, tenements, estates, and other hereditaments. Provided always that nothing in this Act contained shall be construed to give to the said principal officers of her Majesty's Ordinance for the time being, and their successors in office, a greater or better estate in the said messuages, lands, tenements, estates, and other hereditaments, or any of them, than was vested in her Majesty, or in the person or persons holding the same in trust for her Majesty, at the time of the passing of this Act.

No. 171.
10 May 1845.
Proviso.

4. And be it further enacted, That the money to arise and be produced by the sale or exchange of any of the said messuages, lands, tenements, estates, or hereditaments, which shall be so sold or exchanged under the provisions of this Act, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making the exchange, to such person or persons as the said principal officers of her Majesty's Ordinance for the time being, and their successors in office, shall direct or appoint to receive the same, for the use of her Majesty, her heirs and successors; and that the receipt of the said principal officers of her Majesty's Ordinance for such moneys (such receipt to be endorsed on every such conveyance, surrender, or assignment as aforesaid) shall effectually discharge the purchaser or purchasers, or person or persons, by whom or on whose account the same shall be paid.

The receipt of the principal officers of Ordinance endorsed on the conveyance, &c., a sufficient discharge.

5. And be it further enacted, That immediately from and after the payment of such purchase money, and the execution of such conveyance, surrender, and, assignment as aforesaid, the purchaser or purchasers therein named, or the person or persons making such exchange as aforesaid, shall be deemed and adjudged to stand seized and possessed of the messuages, lands, tenements, estates, and hereditaments which shall be so purchased or taken in exchange by, and conveyed, surrendered, assigned, or made over to him, her, or them respectively, and notwithstanding any defect in the title of the said principal officers thereto, freed and absolutely discharged of and from all manner of prior estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands whatsoever, which can or may be had, made, or set up into, out of, or upon, or in respect of the same messuages, lands, tenements, estates, or hereditaments, by any person or persons whomsoever, or on any account whatever, save and except such estates, leases, rights, titles, interests, charges, incumbrances, claims, and demands whatsoever, as in any such conveyance, surrender, deed of exchange, or assignments, shall be excepted.

After payment of the purchase-money and execution of the conveyance, purchaser's title indefeasible.

No. 172.

No. 172.
18 June 1845.

18 June 1845.]—AN ACT to amend an Act, entitled "An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries."

WHEREAS, by the forty-first Clause of an Act of this Island, entitled Preamble. "An Act to amend the Representation of the People of this Island, and "to declare who shall be liable to serve on Juries," it is enacted, "That "if any Member of the Assembly shall be called up to her Majesty's "Council, or shall depart this Island without leave of the Assembly as "thereinafter provided, or shall accept any office which by any Act of "this Island a Member of the Assembly is disqualified from holding, or "shall accept any office of profit under the Crown, every such Member "shall be deemed to have vacated his seat in the General Assembly, and "in every such case, or if any Member shall die or be expelled from the "House, the Governor or Commander-in-Chief, by and with the advice "and consent of the Council, shall, within forty days after such removal "to the Council, death, departure, or acceptance of office, by an address

No. 172.
18 June 1845.

"from the Assembly to the Governor or Commander-in-Chief, issue a "new writ for choosing another person to serve in the Assembly for "such parish, or for the city of Bridge-Town, after the manner and "method thereinbefore prescribed: Provided, nevertheless, that it shall "and may be lawful for the Assembly to grant leave to any of their "Members (provided that no more than four are permitted to be absent "at any one time) to go off the Island for the recovery of their health "or otherwise, as shall be found necessary, for any time not exceeding "six months:" And whereas it is deemed expedient to repeal that part of the said Clause which provides that no more than four Members of the Assembly shall be permitted to be absent at any one time:

Assemblymen may
leave the Island for
forty days without
leave—

1. Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That so much of the said Clause as provides that no more than four members shall be permitted to be absent at any one time, shall be, and the same is hereby repealed. And whereas, owing to the increased intercourse with the neighbouring colonies, circumstances may occur which may require the temporary absence of Members of the Assembly from the Island, without an opportunity being afforded them of obtaining leave of absence from the Assembly:

2. Be it therefore enacted, That if any Member or Members of the Assembly shall quit the Island without leave of the Assembly, but shall not be absent for a longer period than forty days, such Member or Members shall not be deemed by such absence to have vacated his or their seat or seats in the General Assembly, anything in the said forty-first Clause of the said Act to the contrary thereof notwithstanding: Provided always, that it shall be lawful for the said General Assembly to grant to any Member or Members of the Assembly, who may be so absent from the Island as aforesaid, further leave of absence, for any time not exceeding six months from the day of his or their leaving the Island.

—and afterwards
obtain leave for six
months from day of
leaving.

No. 173.
5 August 1845.

No. 173.

5 August 1845.]—AN ACT to authorize the Treasurer to draw for the Interest of the Public Moneys deposited in the Banks, and immediately to reinvest the same.

Preamble.

WHEREAS by a certain Act or Statute of this Island, entitled "An Act for "more fully securing the Public Moneys, for depositing a part thereof at "Interest in the Chartered Banks, and for otherwise regulating the office "of Treasurer of this Island," it is by the first Clause thereof enacted, "That it shall and may be lawful for the present Treasurer of this Island, "or other the Treasurer for the time being, and he is authorized and "required on or before the first day of December next ensuing, to deposit "in the two Chartered Banks of this Island, called respectively the "Colonial and West India Bank, in the name of the Treasurer, the whole "of the public moneys, which at the time of making such deposits shall "be in his hands, or for which he shall be accountable as Treasurer, over "and above the sum of twelve thousand pounds, in equal moieties, there "to remain at interest for the benefit and advantage of the public of "Barbados, and not to be drawn out at less than three months' notice, "and after such deposits shall be made, it shall be lawful for the Treas- "urer for the time being by and with the concurrence and authority "of the Governor and Council and House of Assembly, to draw out the "sums so deposited, or any part or parts thereof from time to time, when "and so often as shall be needful for the public uses of this Island, giving

"not less than three months' notice to the bank wherein the money "required shall be deposited:" And whereas there is at present a considerable sum due for interest on the deposits made by the Treasurer in pursuance of the said Act: And whereas it is expedient that such interest should not be allowed to remain useless or unproductive, but that the same should be drawn out and replaced at interest in the said banks: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council and the General Assembly of this Island, and by the authority of the same, That the Treasurer of the Island is hereby authorized and required, without any further or other concurrence of the Governor, Council, and Assembly, than this Act, to draw out of the said banks immediately on the passing of this Act, all sums of money which shall have accrued due for interest on the moneys deposited by him in the said banks, and afterwards from time to time to draw out the interest half-yearly on the deposits made by him in the said banks, and immediately thereafter to replace out the same at interest in the said banks, anything in the said Act contained to the contrary thereof notwithstanding.

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Treasurer to draw out the interest in moneys deposited in the banks and reinvest at it interest half-yearly.

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8 August 1845.]—AN ACT for the improvement of the City of Bridge-Town in this Island, and for vesting certain Lands, Buildings, and Hereditaments in the said City in her Majesty; and for paying and securing to the Owners of such Lands, Buildings, and Hereditaments, the value thereof, and for other purposes.

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[Clauses 3, 11, 12, 13, 14, 15, & 17 have had their effect.]

WHEREAS the city of Bridge-Town was partially destroyed by a calamitous fire, which happened on the night of the third of February in the present year: And whereas John Atwood, Surveyor-General, and Tobias Phillips, another competent sworn surveyor, by power given to them by the House of Assembly, surveyed the said burnt district, and a plot thereof was taken, by which it appeared that the burnt district extended over three hundred and forty-one thousand, three hundred and fourteen square feet of land, and that the partially burnt portion of the city extended over the additional number of twenty-one thousand eight hundred and thirty-one square feet: And whereas it is expedient and necessary to form a practicable system of sewers, or drains, through such district, to promote the health and comfort of the inhabitants of the city of Bridge-Town, and to make good and spacious streets, and to provide for the erection of suitable public buildings, and of houses to be built within a given time, and according to certain rules and regulations for insuring security against fire, and promoting the salubrity and embellishment of the town, which objects cannot be accomplished otherwise than by purchasing and settling the land, in the first instance, upon trust for the public uses of the inhabitants of the Island: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall be lawful for the Governor for the time being, by commission under the public seal of this Island, to appoint during pleasure three Commissioners for carrying the purposes of this Act into execution, and to fill up any vacancy which may from time to time occur by death, removal, or otherwise in the number of such Commissioners.

Preamble.
See Act 13 August 1846, and Act 27 July 1847.

Governor to appoint Commissioners for carrying this Act into execution.

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Commissioners' duties.

Commissioners may
call in professional
aid with the
Governor's sanction.

Commissioners to give
notice to claimants to
prefer their claims.

Commissioners may
use the Market Com-
mittee-room.

At the expiration of
six months from
notice, all unclaimed
lands to vest in the
Crown for the public
service.

Commissioners em-
powered to purchase
land in the burnt
district.

2. And be it further enacted, That the said Commissioners shall be, and they are hereby required and commanded, economically, truly, and effectually; to apply and dispose of all moneys which shall be entrusted to them for the purposes of this Act, and diligently to apply themselves to the planning and forming a complete system of sewers or drains throughout such district, and of good and spacious streets, and otherwise in carrying this Act into effect.

4. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to call to their assistance all such legal and other professional aid as they shall from time to time require, to enable them to carry out the provisions of this Act—subject nevertheless to the sanction and approval of the Governor for the time being; and such persons when so employed shall be remunerated for his or their services, either by a salary, or by a payment for specific services; which remuneration shall be fixed by the Commissioners, with the sanction of the Governor for the time being, and shall be paid on demand by the Treasurer of the Island, on production of a warrant or authority signed by the Governor for the time being in the usual form.

5. And be it further enacted, That the said Commissioners shall by public advertisements to be inserted in the official Gazette of this Island, immediately after their appointment, and by such other means as to the said Commissioners shall seem proper, give notice of the time and place when and where they will be ready to treat with the owners or occupiers of the land comprised in the said burnt district, included in such survey as aforesaid, for the purchase of their respective interests therein; and shall require all persons residing in this Island and having or claiming to have any right, title, or interest in, or any mortgage, judgment, charge, incumbrance, or other lien upon and against the lands, houses, erections, walls, and ruins, to come before them, and to give in the particulars of their respective rights and interests within thirty days next after such notice; and all other persons residing out of this Island shall be required to give in the particulars of their claims within six months next after such notice.

6. And be it further enacted, That the said Commissioners shall be at liberty, and they are hereby authorized, to use the Committee-room at the Market House in the city of Bridge-Town for the purpose of conducting the business of the said Commission.

7. And be it further enacted, That from and after the expiration of six months from such notice in the official Gazette, all and singular the land comprised in the said burnt district and included in the survey as aforesaid, in respect of which the particulars of the rights and interests of the person or persons interested therein shall not have been given in to the said Commissioners pursuant to this Act, and all and singular the houses, erections, walls, and ruins standing thereon, shall be and become vested in her Majesty, her heirs and successors, for the public service, absolutely and for ever exonerated and discharged of all legal and equitable right and interest of all and every person and persons whomsoever, and of all charges, incumbrances, or demands affecting the same: and parties interested in all such lands, houses, erections, walls, and ruins, shall be and become entitled to receive in lieu thereof, an equivalent in money, to be fixed and ascertained by a jury, as hereafter mentioned.

8. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, at any time or times, and from time to time, to purchase all and singular the land comprised in the said burnt district, containing in the whole three hundred and seventy-one thousand one hundred and forty-five square feet, agreeably to the plot or survey taken by the said John Atwood, and Tobias Phillips, and all and singular the houses, erections, walls, and ruins standing and being thereon, and any other lands, messuages, buildings, or heredita-

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ments, adjoining or near to the said last-mentioned lands, which shall, in the judgment of the Commissioners, be desirable to be purchased, to enable them the better to carry out the improvement of that part of the city, and also any subsisting estates, leases, terms, shares, and interests therein, which such Commissioners may consider requisite for the public service; and all lands so purchased by them, and the streets, lanes, and alleys, intersecting the same, shall be and become vested in her Majesty, her heirs and successors, for the public service.

Lands so purchased, and the street, &c., intersecting the same, to be vested in the Crown for the public service.

9. And be it further enacted, That it shall be the duty of the said Commissioners to give a certificate to the person or persons respectively entitled to moneys payable in respect of lands purchased, or in respect of services performed; and every such certificate shall set forth for what lands or premises, or for what services such moneys are payable; and every such certificate shall be numbered, and a list of all such certificates, from time to time, as the same shall be given by the said Commissioners, shall be made and delivered by them to the Secretary of the Island, for the information of the Governor or Commander-in-Chief for the time being in Council; and every such list shall contain the number of every such certificate, the name or names of the party or parties in whose favour given, and the amount, and for what the same is due: and the Governor in Council is hereby authorized and respectfully requested to grant a warrant under his hand authorizing the payment of the amounts respectively set forth in such certificates, which shall be a sufficient authority to the Treasurer of the Island for paying the accounts so certified to be due. Provided always that such Commissioners shall not give certificates for a larger amount in the whole than the sum of sixty thousand dollars, without first making a report to the Governor or Commander-in-Chief, showing that a larger sum is required, and for what purpose; which report shall be laid before the House of Assembly, for the purpose of obtaining a vote of the House, sanctioning the appropriation of such further sum as may be necessary for carrying the objects of this Act into effect.

Commissioners to give certificates as herein to persons entitled to moneys.

Governor in Council authorized to grant warrants for payment of such moneys. What persons entitled to convey said lands, &c.

10. And be it further enacted, That it shall be lawful for all persons and for all trustees and all executors and administrators, not only for and on behalf of themselves, their successors, heirs, executors and administrators, respectively, but also for and on behalf of their respective cestui que trust, whether infants, femme couverts, idiots, lunatics, or persons not born or not ascertained, or beyond the seas, and also for all tenants for life or for years, absolute or determinable on any life or lives or otherwise, and all persons having any other descriptions of partial or qualified estate or interest, not only for and on behalf of themselves, their heirs, executors, administrators and issue, but also for and on behalf of the persons entitled in remainder, reversion, expectancy or contingency, or for any other future estate or interest, where such persons or any of such persons, whether entitled to the thereof, shall not be ascertained, or shall be incapable of contracting and selling, and for all and every other person and persons whomsoever, who is, are, or shall be seized or possessed of or interested in all or any of the said lands, or entitled to any subsisting estates, leases, terms, shares, and interests therein, which the said Commissioners shall think necessary for the public service, to convey all or any of the said lands, and the fee simple thereof, to the said Commissioners for such compensation, as hereinafter mentioned; and all contracts, agreements, acts, conveyances and deeds, which shall be made or executed by such contracting, selling, and conveying persons as aforesaid, shall be as valid and effectual as if such persons were the absolute owners and seized in fee simple of the lands so conveyed by them respectively; and such persons are hereby indemnified, for or in respect of any such sale which they shall respectively make by virtue or in pursuance of this Act.

16. And be it further enacted, That all inquisitions, verdicts, and judgments, which shall be taken or given under this Act, shall be

Inquisitions, verdicts, and judgments to be

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deposited in the Secretary's office, and copies thereof to be evidence.

Commissioners to set apart for public uses, such parts of the land, &c., as shall be sanctioned by the Governor. Remaining parts to be laid out in building lots, &c.

Commissioners may stop up and divert streets, &c., in burnt district, opening others in lieu.

Commissioners may sell, exchange, or demise said lands, or any lands belonging to the public in the city unappropriated.

Former owners to have privilege of pre-emption.

Security for purchase-money and rents to be taken in the name of the Treasurer.

Purchase-money, &c., of lands and rents of

deposited with the Colonial Secretary of the Island, to be kept and preserved by him amongst the records of this Island, and shall be deemed to be records to all intents and purposes whatsoever, and the same or copies thereof certified by him, shall be allowed to be good and conclusive evidence in all courts and proceedings whatsoever: and all persons shall have liberty to inspect the same, paying for every such inspection the sum of twenty-five cents, and to take or make copies thereof, or extracts therefrom, paying for every copy or extract made by the said Colonial Secretary, with his certificate thereon, after the rate of fifteen cents for every ninety words.

18. And be it further enacted, That the said Commissioners shall set apart for the uses of the public, such parts or portion of the said lands, streets, and alleys so vested in her Majesty as aforesaid, as shall and may be sanctioned and approved of by the Governor for the time being, and the remaining parts or portions of all such lands, streets and alleys, shall with the like sanction be laid out by the said Commissioners for building purposes or otherwise as to the said Commissioners shall appear best adapted for improving the city, and promoting the health, comfort, and security of the inhabitants.

19. And be it further enacted, That it shall be lawful for the said Commissioners to stop up and divert any highway, street, alley, or lane, leading into, through or along the said district, previously making an opening and other good and sufficient highway, street, alley, or lane, in lieu of that which may be diverted or stopped up, and at such convenient distance therefrom as to the said Commissioners shall seem proper and necessary.

20. And be it further enacted, That it shall and may be lawful for the said Commissioners to sell, exchange, or demise such parts or portions of the said lands so vested in her Majesty as aforesaid under the authority of this Act, or any lands belonging to the public within the city not specifically appropriated for the public uses, with the respective appurtenances in building lots, by public competition, notified in the official Gazette fourteen days previously; and the said Commissioners shall have, and they have hereby granted to them full power and authority to convey, surrender, assign, or make over, or to grant or demise the said lots of land respectively under the public seal to any person or persons who shall be willing to purchase or take the same in exchange, or otherwise respectively; and also with the sanction of the Governor or Commander-in-Chief for the time being to do any other act, matter or thing, in relation to such land and hereditaments, which shall by the said Commissioners be deemed beneficial to the public service in relation thereto. Provided also that in any such sale, exchange, or demise, the former owners or occupiers of the land to be sold, exchanged, or demised shall be allowed the privilege of pre-emption upon the same terms at which the said Commissioners shall offer any such building lots for sale, exchange, or demise, if such former owner or occupier shall signify such desire of a preference to the said Commissioners, at any time within fourteen days after such notice in the official Gazette.

21. And be it further enacted, That in cases where the whole of the purchase money payable for any lands sold under the authority of this Act shall not be paid down, but the same shall be payable by instalments, the said Commissioners shall cause security for such purchase money to be taken in the name of the Treasurer of the Island for the time being, in trust for her Majesty, her heirs and successors, for the public service of this Island; and in like manner where any land shall be leased by the said Commissioners, the rent reserved under any such lease shall be made payable to the Treasurer of the Island for the time being, in trust for her Majesty, her heirs and successors, for the public service of this Island.

22. And be it further enacted, That the consideration money for which any lands shall be sold under the authority of this Act, and all

moneys which shall or may be payable in exchange for any lands, where the land agreed to be given in exchange by the said Commissioners shall exceed in value the land received in exchange by them, and the rents of all lands which under the authority of this Act shall be leased by the said Commissioners, shall be paid by the purchasers of such lands, and by the parties who shall be liable to pay such sums in exchange as aforesaid, and by the lessees of such lands, to the Treasurer of the Island for the time being, for the uses of the public of this Island; and the receipt or receipts of the Treasurer for the time being is and are hereby declared to be a good and sufficient discharge and good and sufficient discharges for the same; and in case of the nonpayment of any such moneys at the respective time and times when the same shall respectively become due and payable, the Treasurer of the Island for the time being is hereby authorized and required to take all such legal and equitable proceedings, at the public expense, for the recovery of all such moneys.

lands to be paid to Treasurer.

23. And be it further enacted, That in case the Treasurer in whom any such securities and moneys shall be vested as aforesaid, shall cease to be the Treasurer of the Island, then and immediately, and from time to time, as often as it shall happen that some other person shall be appointed Treasurer, all such trust moneys and securities shall from thenceforth become vested in such succeeding Treasurer, as fully as if such securities had been originally taken in the name of such succeeding Treasurer; and no action or suit commenced for the recovery of any such moneys as aforesaid, shall abate by the death of the Treasurer in whose name such action or suit shall be brought, or by such person ceasing to be Treasurer, but the name of the Treasurer succeeding to such person as Treasurer, shall be substituted in the name of the person ceasing to be such Treasurer in every such action and suit, and suggested on the record accordingly.

All moneys and securities so vested in the Treasurer to become vested in his successor.

No action for the recovery of such moneys to abate by Treasurer's death.

24. And be it further enacted, That in order to secure uniformity in all such buildings as shall be hereafter erected in the said district, the said Commissioners shall, and they are hereby authorized and required to declare, by certain rules and regulations to be approved of by the Governor for the time being, in what manner, and from and with what materials such buildings shall be erected and built; and all such rules and regulations, when so approved of by the Governor, shall be inserted in the official Gazette, and be binding on all persons who shall rebuild any house or building in the said district; and any person who shall build any house or building in such district as aforesaid, contrary to such rules and regulations, shall be liable to be prosecuted at the Court of Grand Sessions as and for a misdemeanour, and if found guilty shall be punished accordingly, and any such house or building so erected shall be deemed to be a public nuisance, and shall be abated accordingly.

Commissioners, with Governor's approbation, to make rules and regulations for buildings to be erected in the burnt district.

Persons building contrary to such rules—guilty of a misdemeanour.

25. And be it further enacted, That the said Commissioners shall cause to be made a plot or survey of the several and respective lots, pieces, or parcels of land which shall be vested in her Majesty under the authority of this Act with a registry of the names of the several and respective parties to whom they respectively belonged, and the respective values thereof, and the names of the several persons to whom and in what proportions the purchase moneys for the same shall be paid, and also a plot or survey of the number of building lots which may be laid off of the lands so vested in her Majesty as aforesaid, and a registry of the names of the persons to whom the same may be sold, exchanged, or demised; and the consideration for the same respectively, and when, how, and in what manner to be paid; and the said Commissioners shall subscribe the said plots and registries, and shall lodge a duplicate thereof in the said Secretary's office, there to be kept on record; and it shall not be necessary to prove or record any conveyance to or from the said Commissioners of any lands purchased or sold by them pursuant to this Act, and included in such plots and registries respectively, any law of this Island to the contrary notwithstanding.

Survey of the lands herein, &c., to be made by the Commissioners.

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Two Commissioners may do all acts, &c., for carrying this Act into effect.

Proviso.

In case of absentees, parties refusing to take the money assessed for lands, or persons unable to make a title to convey lands, Treasurer directed to keep accounts as herein directed; and parties entitled are to apply to the Court of Common Pleas, to which Court authority is given for awarding payment, &c.

Treasurer to deposit such moneys in the chartered banks at interest.

On payment or tender of moneys awarded by a jury for the purchase of lands, or in case where the Treasurer is authorized to retain the purchase-money, the Commissioners are authorized to enter on such lands, and the fee simple thereof shall become vested

26. And be it further enacted, That all acts, matters, or things, authorized, or necessary to be done or executed by the said Commissioners, for the purpose of carrying this Act into execution, may be done and executed by any two of them, and the same shall be as valid and effectual, and shall have the like force and effect, as if such acts, matters, and things had been done and executed by all the said Commissioners. Provided, nevertheless, that in case any one of such Commissioners shall differ in opinion with the other two on any matter of sufficient importance in the judgment of such Commissioner to require further discussion, he shall be at liberty to protest against any act, matter, or thing, authorized to be done by such two Commissioners, and the question in difference shall be referred to the consideration of the Governor and Council, whose decision shall be final.

27. And be it further enacted, That in case any party to whom any money shall be assessed to be paid for the purchase of any lands to be taken or used by virtue of the powers of this Act, or any estate or interest therein, shall refuse to accept the same, or cannot be found, or shall be absent from this Island, or shall refuse, neglect, or be unable to furnish the Commissioners with the particulars of their rights or interests as aforesaid, or to make a title to, and convey such lands, estate or interest to the satisfaction of the said Commissioners, within three calendar months from the period of the value of the lands being assessed as aforesaid, or if any party entitled to contract or agree for the sale of such lands, estate, or interest shall be not known, or shall be absent from this Island, or shall refuse to execute any proper contract or conveyance for the sale thereof respectively within the said three calendar months, or such land shall be subject to any entail, or be affected by any remainder or reversion, then and in every such case it shall be lawful for the said Commissioners to certify to the Treasurer of this Island, that the money so assessed cannot be paid; and such Treasurer shall carry every such sum to the credit of the party or parties if known, who shall be interested in the said land, estate or interest; but if such party or parties shall not be known, then to the credit of the said Commissioners in a particular account, subject to the order, control, and disposition of the Court of Common Pleas in this Island, which said Court on the application of any party making claim to such money or to any part thereof, by motion or petition, is hereby empowered, in a summary way of proceeding or otherwise, as to the said Court shall seem meet, to change the investment thereof, or to order the distribution or payment thereof, according to the estate, title or interest of the party therein, and to make such other order in the premises as to the said Court shall seem proper, and such sums respectively shall carry interest at the rate of four pounds per cent. per annum, to be paid to the respective parties entitled to them respectively.

28. Provided always, and be it further enacted, That the said Treasurer shall deposit all such moneys in the Chartered Banks of this Island at interest in the same manner as he is required by law to deposit other public moneys, and nothing in this Act contained shall be construed to permit the said Treasurer to keep in his hands a larger sum than twelve thousand pounds current money of this Island, to answer the immediate call on the said Treasurer.

29. And be it further enacted, That upon payment or tender of such sums of money as shall have been awarded by a jury for the purchase of any lands, or whenever any of the respective cases shall happen wherein such money is herein authorized or directed to be retained in the hands of the Treasurer as herein authorized or directed, it shall be lawful for the said Commissioners immediately to enter upon such lands; and thereupon such lands, and the fee simple and inheritance thereof, and all the estate, use, trust, and interest of all parties therein, shall thenceforth be vested in and become the property of her Majesty, her heirs and successors, for the purposes of this Act; and such payment or tender, or

such retainer, shall in all respects and to all intents and purposes, operate in the same manner as if a conveyance under the provisions of this Act had been made of the lands in question to the said Commissioners; and in all cases whatsoever, in which the said Commissioners shall have a right of entry under the provisions of this Act, and delivery of possession shall be refused or withheld, it shall be lawful for any Justice of the Peace to issue his precept or warrant to a constable to enter upon the lands, the possession of which shall be refused or withheld, and to take possession thereof, and to deliver the possession of the same to such person as shall in such precept or warrant be nominated to receive the same, being a person appointed in that behalf by the said Commissioners; and the constable is hereby authorized and required to take such possession, and to deliver the same accordingly.

30. And be it further enacted, That where any question shall arise touching the title of any person to any money to be retained in the hands of the Treasurer, in pursuance of this Act, for any lands purchased or used in pursuance of this Act, the person who shall have been in possession of such lands, or in receipt of the rents and profits thereof on the third day of February One thousand eight hundred and forty-five; and all persons claiming under such person, or under or consistently with the possession of him, her, or them, shall be deemed to have been lawfully entitled to such lands according to such possession, until the contrary be shown to the satisfaction of the said Court of Common Pleas as aforesaid, and the estate and interest therein, unless it shall be made to appear to the satisfaction of the said Court that such possession was a wrongful possession, and that some and what other person or persons was or were lawfully entitled to such or to some and to what part of such lands, or to some and what estate or interest therein, or charge thereon.

31. And be it further enacted, That where the purchase money for any lands to be taken or used for the purposes of this Act shall be retained in the hands of the Treasurer, under or in pursuance of this Act, it shall be lawful for the said Court of Common Pleas, if it shall think fit, to order the costs, charges, and expenses of and attending any such motion, petition, or application as aforesaid; and the proceedings to be had thereon, or so much of such costs, charges, and expenses, as the said Court shall deem reasonable under the circumstances of the case, together with the necessary costs and charges of obtaining such order, to be paid by the said Treasurer, who shall from time to time pay such sums of money out of the public funds in such manner and for such purposes as the said Court shall direct.

32. And be it further enacted, That where the money assessed to be paid for any lands which shall be used for the purposes of this Act shall be retained in the hands of the Treasurer, in manner hereinbefore directed, in consequence of a good title not having been made to such lands, to the satisfaction of the said Commissioners, by reason of the same lands respectively being subject either alone or together with other lands not required for the purposes of this Act, to a rent or annuity payable to some person, unable or unwilling to release therefrom, the lands required to be used for the purposes of this Act, then and in every or in any such case the lands for the value of which the money retained by the Public Treasurer, together with the money (if any) to be retained for costs and charges, under the authority of this Act, shall be and are hereby released, and for ever discharged from such rent or annuity, as the case may be, and all claims and demands in respect thereof, and all powers and remedies for recovering the same; and the money to be retained in the hands of the Treasurer shall be laid out and invested, under the direction and with the approbation of the said Court of Common Pleas to be signified by an order made upon motion or petition to be preferred or made in a summary way by the person who would have been entitled to the rents, annuity, and profits of the lands, for the value of which such

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in her Majesty, her heirs and successors, for the purposes of this Act.

If a question of title arises, the party in possession on the 3rd February 1845, &c., to be deemed lawfully entitled until the contrary be shown to the satisfaction of the Court of Common Pleas.

Court of Common Pleas may order costs to be paid by Treasurer on application for money retained.

Where money is retained in the hands of the Treasurer by reason of land being liable to an annuity or rent charge, the land declared released from the annuity or rent charge,

and money to be invested under the direction of the Court of Common Pleas in the purchase of other lands, which shall be conveyed to the like

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uses as the lands taken for the public use, and in the meantime interest to be paid to the party who would have been entitled to the rents, &c.

moneys respectively shall have been retained as aforesaid, in the purchase of other lands, which shall be conveyed and settled (subject either alone or together with such other lands if any, as the case may be, to such rent or annuity) to the like uses, trusts, intents, and purposes, and in the same manner as the lands so to be used as aforesaid, stood settled or limited, or such of them as at the time of making such conveyance and settlement shall be existing undetermined and capable of taking effect; and in the mean time, and until such investment shall be ordered, by the said Court to be made for the purposes aforesaid, the interest on such money shall from time to time be paid, by order of the said Court, to the person who would for the time being have been entitled to the rents and profits of the said lands hereby authorized to be purchased, in case such purchase and settlement were made; and the lands so to be purchased and settled, shall, either alone, or as the case may be, together with the said other lands not required for the purposes of this Act, and already subject to such rent or annuity, be subject to the same rent or annuity, and shall in the conveyance and settlement thereof, be declared to be subject thereto in the same manner, to all intents and purposes, as the lands taken, or to be taken, for the purposes of the Act as aforesaid, were subject thereto; and the person to whom such rent or annuity shall be payable shall have such and the same powers and remedies for enforcing the payment thereof, or of any part thereof, out of or upon the lands to be comprised in such conveyance and settlement, and declared to be subject thereto as he, she, or they would have been entitled to if such rent had originally been reserved out of, or charged upon the same either alone or as the case may be, together with such other lands not required as aforesaid, instead of the lands to be taken for the purposes of this Act; or the same lands, or such other lands (if any) as aforesaid, and in the same manner, to all intents and purposes, as such rent or annuity was reserved out of or charged upon the lands so taken, either alone, or together with other lands subject thereto, as the case may be; and in the mean time, and until such purchase shall be made, it shall be lawful for the said Court, upon application thereto as aforesaid, to order any part of the interest to be paid, from time to time, to the person for the time being entitled to the said rent or annuity in discharge thereof, or part thereon as the case may be.

33. And be it further enacted, That all persons having any mortgage on any lands which shall be required to be taken for the purposes of this Act (and whether entitled thereto in their own right, or in trust of any other person, and when in possession of such lands by virtue of such mortgage or not, and whether such mortgage shall affect such lands solely, or jointly with any other lands) shall, on payment or tender by the said Commissioners, or by any person by them authorized, of the principal money and interest due on such mortgage, and the just costs (if any) then due on the said principal money (which tender and payments the said Commissioners are hereby authorized to make, and to deduct the same from any sum agreed or directed to be paid for the estate or interest of the party or parties entitled to the equity of redemption of and in the lands so mortgaged in case the same shall be sufficient for the purpose) immediately convey, assign, and convey the respective interests of such mortgages in the lands which shall be so required, to the said Commissioners, or to such person as they shall appoint; and in case any such mortgagee shall refuse to convey, assign, or transfer as aforesaid, on such payment or tender, then, on payment of such money, interest, and costs, into the Court of Chancery, as hereinafter mentioned, all interest on every such mortgage debt, and all claim and right of every such mortgagee thereto, shall thenceforth cease and determine. Provided always, that in case any such mortgagee shall neglect or refuse to convey, assign, or transfer as aforesaid, then, upon payment of the principal money and interest, and the costs (if any) due on any such mortgage, into either of the Chartered Banks of this Island, the manager of the said bank shall

Proceedings to be adopted when the land is liable to a mortgage.

give a receipt for the said money to the said Commissioners; and thereupon, or as the case may be, upon such conveyance, assignment, or transfer, by any such mortgagee, as aforesaid, all the estate, right, title, interest, use, trust, property, claim, and demand, of such mortgagee, and of all persons in trust for him, or for whom he shall be a trustee, shall vest in the said Commissioners, who shall be deemed to be in the actual possession of the lands comprised in such mortgage, or so much thereof as shall be required for the purpose of this Act, to all intents and purposes whatsoever.

34. And be it further enacted, That in all cases in which any lands subject to any mortgage shall be required for the purposes of this Act, and in which such lands shall be of less value than the principal moneys, interest, and costs secured thereon, or in which a part only of the lands subject to any mortgage shall be required for the purposes of this Act, and such parts shall be of less value than the principal moneys, interest, and costs, secured on such lands, and the mortgagee or mortgagees thereof shall not consider the remaining part of such lands to be a sufficient security for the money charged thereon, or shall not be willing to release the part required for the purposes of this Act from the principal or mortgage money, and all interest due and to become due thereon, and all costs, the value of such land, or, as the case may be, of such part of the said lands, as shall be so required for the purposes aforesaid, and also the compensation (if any) for any damage done in respect of the parts so required, shall be settled and agreed upon by and between the mortgagee or mortgagees; and the trustee or other person entitled to the equity of redemption of such lands, whether absolutely or for such estate as might capacitate him, her, or them to convey for the purposes of this Act, on the one part, and the said Commissioners on behalf of her Majesty, on the other part; and in case of any difference between them, then such value and compensation shall be determined by a verdict of a jury in the same manner as in other cases under this Act; and the amount of such value and compensation, being so agreed upon or determined as aforesaid, shall be paid to such mortgagee or mortgagees in satisfaction of his, her, or their claim, so far as the same will extend; and such mortgagee or mortgagees shall thereupon convey, assign, and transfer all his, her, or their interests in such mortgaged lands, the value whereof or compensation for which shall so have been agreed upon, or determined as aforesaid; or in case of his, her, or their neglecting or refusing to convey, assign, or transfer, as hereinbefore directed, then the amount of such value and compensation shall be paid into one of the Chartered Banks of this Island, for the use of such mortgagee or such mortgagees, as by this Act is provided in cases of a like nature, and such payment to the mortgagee or mortgagees, or into the bank as last aforesaid, shall be accepted in satisfaction of the claim of such mortgagee or mortgagees as far as the same will extend, and also a full discharge and exoneration of such part of the mortgaged lands, as shall be so taken or used from all principal and interest and other money due or secured thereon, and thereupon such mortgaged lands so taken or used shall become absolutely vested in the said Commissioners, who shall be deemed to be in actual possession thereof to all intents and purposes whatsoever: Provided, nevertheless, that all mortgagees shall have the same powers and remedies for recovering or compelling payment of their mortgage money, or the residue thereof (as the case may be) or the interest thereof respectively, upon and out of the residue of the mortgaged lands not required for the purposes aforesaid, as they would have had or been entitled to for recovering or compelling payment thereof, upon or out of the whole of the lands originally comprised in such mortgage: Provided also that when a part only of the lands subject to any mortgage shall be required or shall have been taken for the purposes of this Act as aforesaid, and the value of the lands so taken shall, on the assignment or conveyance thereof to the said Commissioners, have been paid to the mortgagee or mortgagees thereof,

Proceedings where the money due on mortgage is greater than the value of the land mortgaged.

Enabling Life Assurance Society to sue, &c., in name of Secretary. 275

38. And be it further enacted, That the word "Governor" in this Act shall be taken to mean the Governor or other officer lawfully administering the Government of this Island.

No. 174.
8 August 1845.
Governor.

No. 175.

12 August 1845.]—AN ACT to explain "An Act to provide for the "due Transaction of the Public Business during the Dissolution "of the General Assembly of this Island," and to extend the provisions thereof to other cases.

No. 175.
12 August 1845.

WHEREAS by a certain Act passed on the Eight day of February, One thousand eight hundred and forty-three, entitled "An Act to provide for "the due Transaction of the Public Business during the Dissolution of "the General Assembly of this Island," the Governor is authorized to appoint Commissioners in the room of Members of Assembly who derive their authority under Acts of the Island then subsisting: And whereas doubts may be entertained as to the authority of the Governor to appoint Commissioners in case of the expiration or other dissolution of the General Assembly, in cases where Acts of the Legislature may come into operation after the expiration or dissolution of any General Assembly, and before a General Assembly shall be duly returned and sworn for this Island, and it is expedient that all such doubts should be removed: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, That it shall and may be lawful for the Governor and Commander-in-Chief for the time being, to appoint by warrant under his sign manual, such a number of persons as shall be required by an Act of this Island to become operative after the expiration or dissolution of any General Assembly to form or make up the full complement of Commissioners for carrying on the business in any department of the public service, now or hereafter established during such time as there may be no General Assembly duly returned and sworn for this Island, and the persons so to be appointed as such Commissioners shall, during such time as aforesaid, have and exercise all the powers and authorities which Commissioners being Members of the General Assembly would have had if such General Assembly had been then sitting.

Preamble.

Governor may appoint Commissioners, as herein provided.

No. 176.

12 August 1845.]—AN ACT to enable "The Barbados Mutual Life "Assurance Society" to sue and be sued in the name of the Secretary, or in the name or names of one or more of the Directors of the said Society, and to facilitate the carrying out of the objects and transacting the business of the said Society.

No. 176.
12 August 1845.

WHEREAS several persons in this Island have formed themselves into a Society called or known by the name of "The Barbados Mutual Life "Assurance Society," for the purpose of insuring lives, and securing endowments for children, and transacting all such other business as properly falls within the objects of a life assurance and reversionary interest society: And whereas the objects of the said Society are deserving of encouragement: And whereas difficulties may hereafter arise in recovering debts and moneys due to the said Society, and in maintaining actions for damages done to the said Society or to the property of the said Society, or in taking or prosecuting any legal proceedings in

Preamble.

See Act 16 July 1851, incorporating the Society.

276 *Enabling Life Assurance Society to sue, &c., in name of Secretary.*

which the said Society shall be a party: And whereas it would be convenient for persons having demands against the said Society to be enabled to sue the said Society or any one or more of the Directors of the Society, and it would also be convenient that prosecutions for embezzlement, robbery, or stealing the property of the said Society, or for fraud or any other offence against the said Society, should be instituted and carried on in the name of the said Society, or in the name of the Secretary, or any one or more of the Directors of the said Society:

1. Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, all actions and suits whatsoever against any person or persons already indebted or who may hereafter be or become indebted to the said Society called "The Barbados Mutual Life Assurance Society," and all actions, suits, and other proceedings whatsoever, at law or in equity, for any injury or wrong done to any real or personal property of the said Society, and in whomsoever the same may from time to time be vested, whether in the same Society or in any person or persons in trust for the said Society, or in some person or persons for the use or benefit thereof, or upon or in respect of any present or future liability or liabilities to the said Society, or to any person or persons in trust for the said Society, or to any person or persons to the use and benefit thereof, or upon any bonds, covenants, contracts, or agreements, which already have been or hereafter shall be given or entered into, to or with the said Society, or to or with any person or persons whomsoever in trust for the said Society, or to or with any person or persons for the use or benefit thereof, or wherein the said Society is or shall be interested, and generally all proceedings whatsoever, at law or in equity, in any Court or Courts of the said Island, or Court or Courts for the relief of insolvent debtors; to be commenced, instituted and carried on by or on behalf of the said Society, or wherein the said Society is or shall be concerned or interested against any person or persons, or any body or bodies, politic or corporate, or others, whether such person or persons, or any of such persons, or such body or bodies, politic or corporate, or any member or members thereof, respectively, shall be a member or members of the said Society or not, shall and lawfully may be commenced, made, instituted, and carried on or prosecuted in the name of the person who shall be the Secretary of the said Society, at the time when any such action, suit, or proceeding shall be commenced or instituted—or in the name of any one or more of the Directors for the time being of the said Society, as the nominal plaintiff or plaintiffs, or party or parties for, and on behalf of the said Society: and in all actions, suits, and other proceedings, at law or in equity, to be commenced, instituted, or prosecuted against the said Society by any person or persons, or any body or bodies, politic or corporate, or others, whether such person or persons, or any of such persons, or body or bodies, politic or corporate, or any member or members thereof respectively, is or are, or shall be a member or members of the said Society or not, shall and lawfully may be commenced, instituted and prosecuted against the Secretary or any one or more of the Directors for the time being of the said Society, as the nominal defendant or defendants, or party or parties proceeded against, for or on behalf of the said Society, and the death, resignation, or removal, or any other act of such Secretary, Director or Directors, shall not abate or prejudice any action, suit or other proceeding, at law or in equity, commenced or instituted under this Act; but the same may be continued, prosecuted, carried on or defended in the name of such Secretary or any such Director or Directors for the time being of the said Society as the case may be.

Regulates the bringing of actions, &c., by the Society, &c.

2. And be it further enacted, That from and after the passing of this Act, it shall be lawful for the said Society, by the Secretary or any one or more of the Directors for the time being of the said Society to prefer any indictment or indictments, information or informations, or other criminal proceeding or proceedings in any Court or Courts, against any person or persons for any offence already committed, or which shall hereafter be committed against the said Society, and in all indictments, informations, and other proceedings against any person or persons whomsoever, whether such person or persons, or any of such persons be a member or members of the said Society or not, for feloniously taking, stealing, or embezzling, damaging or destroying, or for any offence whatsoever, relating to any goods, chattels, notes, bills, bonds, deeds, or other security or securities, moneys, effects, or any real or personal property whatsoever, of or belonging to the said Society, in whomsoever the same may be vested, whether in the Society, or in some person or persons in trust for the said Society, or in some person or persons for the use or benefit thereof, such goods, chattels, bonds, bills, notes, deeds, security or securities, moneys, effects, or property respectively, may be laid and stated to be the goods, chattels, bonds, bills, notes, deeds, security or securities, moneys, effects or property respectively, of "The Barbados Mutual Life Assurance Society;" and all such indictments, informations and other proceedings, against any person or persons, whether such person or persons, or any of such persons be a member or members of the said Society, or not, for any conspiracy, crime, fraud, or offence already committed, or shall hereafter be committed, with intent to injure or defraud the said Society, the same may be laid and stated to have been done with intent to injure or defraud "The Barbados Mutual Life Assurance Society," and it shall not be necessary to state in any such indictment, information or other proceeding, the name or names of all or any of the persons now or at any time hereafter constituting the said Society, and any offender or offenders, shall or may thereupon be legally convicted of such conspiracy, crime, fraud, or offence, in as full, valid, and effectual a manner to all intents and purposes, as if the names of all the persons constituting the said Society; and the name or names of the person or persons in whom the goods, chattels, notes, bills, bonds, deeds, security or securities, moneys, effects, or property, relating to which such indictment, information or other proceeding, shall be preferred, shall or may be vested in trust for the said Society were inserted, or used in such indictment, information, or other proceeding or proceedings, consequent or attendant thereon.

3. And be it further enacted, That any person or persons, being or having been a member of the said Society, and having any claim or demand against the said Society, or the funds and property thereof, on any account whatsoever, may for such claim or demand, commence, prosecute, and carry on any action, suit, or other proceeding either at law or in equity against the Secretary or any Director or Directors of the said Society for the time being, as the nominal defendant or defendants, or party or parties proceeded against for or on behalf of the said Society, and such Secretary or Director or Directors of the said Society, may as the nominal plaintiff or plaintiffs, or party or parties proceeding for and on behalf of the said Society, commence and carry on in his or their own name or names any action, suit, or other proceeding at law or in equity, against any individual member of the said Society, against whom the said Society may have any claim or demand; and all such actions, suits, or other proceedings shall be as valid and effectual as if all the members of the said Society had been made parties thereto; and every judgment, decree and order made therein, shall be binding for or against the said Society and all the members thereof; and no abatement shall arise from the death, resignation, removal, or any other act of such Secretary, Director or Directors, pending any such action, suit or other proceeding.

Society may proceed by their Secretary or one or more Directors against any person embezzling their property, &c., or indebted to them, &c., as herein provided.

As to the manner in which legal proceedings may be carried on against or for the Society.

No. 176.
12 August 1845.

For the purpose of discovery, &c., other members than the Secretary or Directors may be included.

The Society authorized to proceed against their own members in the same manner as against other persons.

Only one action or suit to be brought against the Society for the same demand, &c.

When the merits of any demand shall have been determined, the proceedings may be pleaded in bar to any other action.

Members of the Society have the same remedy against the Society as if such members were strangers.

Actions by the Society not affected by reason of defendant being a member.

4. Provided always and be it further enacted, That in case, for the purpose of discovery or any other purpose, any person or persons having any claim or demand against the said Society, whether such person or persons, or any of such persons be a member or members of the said Society or not, shall be desirous to include any other member or members of the said Society, besides such Secretary, Director, or Directors, or defendant or defendants, in any bill in equity, it shall be lawful for him, her, or them so to do, anything in this Act contained to the contrary notwithstanding.

5. Provided also and be it further enacted, That every person being a member of the said Society, shall in all cases be liable to be sued, prosecuted, or proceeded against, by or for the benefit of the said Society under the powers of this Act, by such action, suit and other proceedings, in such and the same manner as effectually, and with the same legal consequences, as if such person had not been a member of the said Society.

6. Provided also and be it further enacted, That no person or persons, body or bodies, politic or corporate, having or claiming, or who shall or may have or claim any demand upon or against the said Society, whether such person or persons or any of such persons shall be a member or members of the said Society or not, shall bring more than one action or suit in respect of such demand; and in case the merits of any demand shall have been determined in any action or suit against the Secretary or any Director or Directors of the said Society, the proceedings in such action or suit may be pleaded in bar of any other action or suit or actions or suits for the same demand against any other member or officer of the said Society; and in case the merits in respect of any demand which the said Society now has, or may hereafter have against any person or persons, or body or bodies politic, whether such person or persons shall be a member or members of the said Society or not, shall have been determined in any action or suit commenced or prosecuted by the Secretary or any Director or Directors of the said Society, the proceedings in any such action or suit may be pleaded in bar of any other action or suit, or actions or suits for the same demand, which may be commenced or prosecuted by the Secretary or any Director or Directors of the said Society.

7. And be it further enacted, That no action against the said Society, their Secretary, or any Director or Directors of the said Society upon or arising out of any policy or contract entered into by, or on behalf of the said Society, shall be in anywise affected or defeated by or by reason of the plaintiff or plaintiffs, or any one of the plaintiffs therein, or any other person or persons in whom any interest may be averred, or who may be in anywise interested or concerned in any such action, being or having been a member or members of the said Society, but any member or members of the said Society, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Society, or the Secretary or Director or Directors of the said Society, upon any policy or other contract, upon and for any debt, damages, or demand whatsoever, which he, she, or they might have had if he, she, or they had been a stranger or strangers, and not a member or members of the said Society.

8. And be it further enacted, That no action commenced by or on behalf of the said Society or the Secretary, or any Director or Directors of the said Society, upon or arising out of any policy or contract entered into by or on behalf of the said Society, shall be in anywise affected or defeated by or by reason of any defendant or defendants, or any of the defendants therein, or of any other person or persons in whom any interest may be averred, or who may be in anywise interested or concerned in such action, being a member or members of the said Society, but the said Society shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner

against any member or members thereof either alone or jointly with any other person or persons upon any policy and other contract, and upon and for any other debt, damages or demand whatsoever which the said Society might have had if such cause of action had arisen with a stranger or strangers and not a member or members of the said Society.

9. Provided also and be it further enacted, That the Secretary or any Director or Directors of the said Society, being the nominal plaintiff or plaintiffs, or party or parties proceeding for and on behalf of the said Society, or being the nominal defendant or defendants, or party or parties proceeded against, for, and on behalf of the said Society, in any action, suit or proceeding, prosecution or indictment, commenced, instituted, or prosecuted, or preferred under the authority of this Act, or any other member or members of the said Society, shall not by reason thereof be deemed incompetent to be a witness in such action, proceeding, prosecution, or indictment; but such Secretary, Director or Directors, or such other member or members shall and may, if not otherwise objectionable, be a good and competent witness, or good and competent witnesses, and be admissible and be admitted as such in all Courts, and by and before all Judges, Justices and others in any such action, suit, proceeding, prosecution or indictment, in the same manner as he or they might have been if his or their name or names had not been made use of as such nominal plaintiff or plaintiffs, or nominal defendant or defendants in such action, suit, proceeding, prosecution or indictment, or as if he or they had not been Secretary, or a Director or Directors, or member or members of the said Society.

Nominal plaintiffs or defendants may be witnesses in the action, &c., both by or against them.

10. And be it further enacted, That all and every judgment and judgments, decree or decrees, which shall at any time after the passing of this Act be obtained or recovered in any action, suit, or other proceedings at law or in equity against the Secretary for the time being, or any Director or Directors of the said Society under or by virtue of this Act, shall have the like effect and operation upon or against the funds and property of the said Society, as if such judgment or judgments, decree or decrees, had been recovered or obtained against the said Society in any action, suit, or proceeding at law or in equity brought or commenced against the said Society by or in the several and distinct names and descriptions of the several members of the said Society, as if this Act had not been passed. Provided always that nothing in this Act contained shall be deemed or taken to enable any plaintiff, prosecutor, or defendant in any action or suit, or other proceeding under this Act, to recover from any member of the said Society or any other person whomsoever, any other or greater sum or sums of money than such member or person would or might have been liable to pay either at law or in equity under any contract for the time being subsisting if this Act had not been passed. Provided always, that the Secretary, or Director or Directors in whose name or names any action, suit, or proceeding under this Act shall be commenced, prosecuted or defended, shall always be reimbursed and repaid out of the funds or property of the said Society, all such costs, charges, losses, and damages as by the event of such action, suit or proceeding, he or they shall be put unto or become chargeable with; and if the funds or property for the time being of the said Society shall be insufficient to pay such costs, charges, losses, and damages in full, then the deficiency shall be made good by the members for the time being of the said Society.

Judgments, &c., recovered against the Secretary, &c., to have full effect against the funds of the Society.

Proviso.

Secretary of the Society, &c., against whom any action, &c., may be brought to be reimbursed all costs, &c.

11. And be it further enacted, That in all executions issuing under any judgment or judgments, decree or decrees, obtained in any of the Courts of Law or Equity, or otherwise in this Island, under and by virtue of which the goods, chattels, lands, and effects of the said Society shall or may be liable to be taken in execution, that the moneys, notes, bills, bonds, judgments, mortgages, and all securities whatsoever held by or in trust for the said Society, and forming any part or parts of the funds of

The Society's securities may be taken in execution and proceeded upon as herein provided.

No. 176.
12 August 1843.

the said Society, shall also be liable to be taken in execution by the Provost-Marshall of the Island or other officer legally entitled to levy any such execution or executions; and such Provost-Marshall or other officer or officers shall be, and he and they are hereby empowered to receive, sue for, and collect any moneys which shall be due and payable on any such securities, and to give proper discharges to the party or parties from whom such moneys may be owing; or such Provost-Marshall or officer or officers may, at the option of any creditor or creditors holding such execution or executions, assign over so much of the moneys due on such security or securities to such creditor or creditors, as will be sufficient to pay and satisfy such execution or executions, or towards payment of the amount or amounts due under any such execution or executions, and such assignment shall be as good and valid as if made by the said Society, or the person or persons holding such security or securities in trust for the said Society. Provided always, nevertheless, that such Provost-Marshall or officer or officers shall not be compelled to take any legal proceedings for the recovery of any moneys due on any such security or securities, unless the plaintiff or plaintiffs or person or persons holding such execution or executions shall first indemnify the said Provost-Marshall, or such officer or officers, of and from and against all costs, charges, and expenses, to which such Provost-Marshall or officer or officers shall or may sustain, or be put to by reason of any such proceedings for the recovery of the moneys due under or by virtue of any such security or securities.

A memorial of the names of the Directors and Secretary to be verified as herein, and recorded in the Secretary's office.

12. And be it further enacted, That a memorial of the names of the several Directors and Secretary of the said Society for the time being, in form and to the effect expressed in the Schedule of this Act, or as near thereto as the circumstances of the case will admit, shall be verified by declaration in writing to the effect in the said Schedule set forth, which declaration shall be made by one of the Directors or the Secretary of the said Society, for the time being, before a Justice of the Peace, and such memorial when so verified, shall be recorded in the office of the Secretary of this Island, within three calendar months next after the passing of this Act, and when any new Director or Directors or Secretary shall be appointed, a memorial or memorials of the name or names of the new Director or Directors, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the Directors or the Secretary for the time being of the said Society, and recorded within three calendar months after such appointment or appointments in the form or to the effect expressed in the said Schedule for that purpose. Provided always that if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanour.

Persons making a false declaration guilty of a misdemeanour.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

BARBADOS.

Memorial made the day of , 184 , of the names of the present Directors and Secretary of "The Barbados Mutual Life Assurance Society," enrolled pursuant to an Act passed (here insert the date and title of the Act).

A B	of	
C D	of	
E F	of	
G H	of	
I J	of	
K L	of	
M N	of	
O P	of	
Q R	of	
S T	of	
	Directors.	
	Secretary.	

Providing for the Care, &c., of Persons afflicted with Leprosy. 281

No. 176.
12 August 1845.

I, A B, of the parish of _____ and Island aforesaid (description), one of the Directors or Secretary of the said Society, do hereby solemnly and sincerely declare that the above-written memorial doth contain the names of the present Directors and Secretary of the said Society, as the same appear on the books of the said Society, and I make this solemn declaration conscientiously, believing the same to be true, and in pursuance of the provisions of the statute in that case made and provided.

Taken and acknowledged at
this day of 184 , before me }

IN CASE OF A CHANGE OF THE CHAIRMAN OR OF ANY OF THE DIRECTORS OR OF THE SECRETARY.

BARBADOS.

Memorial made the day of 184 , of the present name or names of the new Directors or new Secretary of "The Barbados Mutual "Life Assurance Society," and of the person or persons in whose place (or places) he has (or they have) been appointed, enrolled pursuant to an Act passed (here insert date and title of this Act).

A B of	} Directors in place of	S T
C D of		U V
E F of		W X
G H of		Y Z
I J of		B A
K L of		D C
M N of		F E
O P of		H G
Q R of		

I, A B, of the parish of _____ and Island aforesaid (one of the Directors or Secretary of the said Society), do hereby solemnly and sincerely declare, that the above-written memorial doth contain the name or names of the new Director or Secretary of the said Society, and of the person or persons in whose place (or places) he has been (or they have been) appointed, as the same appear in the books of the said Society, and I make this solemn declaration, conscientiously believing the same to be true and in pursuance of the provisions of the Statute in that case made and provided.

Taken and acknowledged at
this day of 184 , before me }

N.B.—The last memorial as to a new Director or Secretary was enrolled on the day of 184 .

No. 177.

No. 177
24 January 1846.

24 January 1846.]—AN ACT to provide for the Care and Maintenance of Persons Afflicted with Leprosy.

[Clauses 3 and 9 repealed.]

WHEREAS it is deemed expedient to provide an asylum for the care and maintenance of persons afflicted with leprosy: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall be lawful for the Town Hall Commissioners, and they are hereby authorized, to select a fit and convenient spot of land in this Island, without the limits of the city of Bridge-Town, with or without buildings thereon, on which to erect and establish a lazaretto, for the reception of

No. 177.

24 January 1846.

Town Hall Commissioners to purchase land for lazaretto.

Commissioners of lunatics to superintend lazaretto.

Duties of Commissioners of Superintendence.

Persons afflicted with leprosy being at large asking alms, how to be dealt with.

Surgeon and Superintendent to be appointed by the Governor.

See Act of 22 February 1865.

Matron and servants to be appointed by the Commissioners.

Regulations, &c., to be made by Commissioners.

persons afflicted with leprosy; and the said Commissioners are hereby authorized to contract for and purchase the same, and to pay the purchase money thereof by an order on the Treasurer of the Island; and the said spot of land when so purchased shall be settled and conveyed to such persons and for such purposes as are hereinafter mentioned: Provided always that the cost of the land and the buildings to be erected thereon shall not exceed two thousand pounds sterling money.

2. And be it further enacted, That the Commissioners appointed under a certain Act of this Island, entitled "An Act for the better Care and Maintenance of Lunatics," passed the Fourth of June, One thousand eight hundred and forty, together with the Police Magistrate for the rural district of Saint Michael's parish, shall be, and they are hereby appointed Trustees and Commissioners of Superintendence for the purposes of this Act; and the lands and premises when so purchased as aforesaid by the said Town Hall Commissioners, shall be conveyed to them, their successors in office and assigns for the purposes of this Act, free from all liens, charges, and incumbrances whatsoever.

4. And be it further enacted, That so soon as the said asylum shall be erected and in a fit state for the reception of persons afflicted with leprosy, it shall and may be lawful for the said Trustees and Commissioners of Superintendence, or any two of them, and they are hereby required, upon any application made to them for that purpose, to receive into the said asylum any person or persons afflicted with leprosy, to be kept, taken care of, and maintained at the public expense.

5. And be it further enacted, That if any person afflicted with leprosy shall be found at large asking alms, or seeking precarious support, it shall and may be lawful for any Police Magistrate, upon the oath of at least one credible witness, by warrant under the hand and seal of such Police Magistrate directed to any police officer or constable, to cause any such afflicted person to be apprehended and conveyed to the said asylum, there to be kept, taken care of, and maintained at the public expense, until he or she shall be duly discharged as hereafter provided. And any person or persons, making any false oath on any such occasion, shall on conviction thereof be liable to be punished as a person or persons guilty of perjury. Provided always that it shall not be lawful for the said Trustees and Commissioners of Superintendence to receive and detain any person in the said asylum by order of any Police Magistrate, unless it shall appear by a certificate under the hand of the physician or surgeon of the said asylum, that the person named therein is afflicted with the disease called leprosy, and that such case hath been reported to the Governor of this Island for the time being.

6. And be it further enacted, That the Governor of this Island for the time being, shall, and he is hereby authorized to appoint from time to time, a surgeon or physician and a superintendent to the said asylum, who shall be paid the following salaries, that is to say:—The surgeon or physician, at the rate of sixty-two pounds ten shillings sterling money, and the superintendent at the rate of one hundred pounds per annum; and the said Trustees and Commissioners of Superintendence shall be and they are hereby authorized to appoint from time to time a matron and other principal servants, whose aggregate salary shall not exceed sixty-two pounds ten shillings sterling money per annum; all salaries to be paid quarterly by the Public Treasurer for the time being, on the certificate of the said Trustees and Commissioners of Superintendence, or any two of them.

7. And be it further enacted, That the said Trustees and Commissioners of Superintendence, shall from time to time make such regulations as to them shall seem expedient for the management and conduct of the said asylum. And the said regulations shall be submitted for the approbation of the Governor for the time being, and when approved by him they shall be fixed up in one or more conspicuous place or places in the said asylum, and the same shall be valid and binding on all parties.

8. And be it further enacted, That all persons afflicted with leprosy, who may be placed in the said asylum, shall be there safely kept and not suffered to quit the same, or to be at large, until the said Trustees and Commissioners of Superintendence or any two of them shall sanction the discharge of such persons, and shall signify the same in writing under their hands and seals. Provided always that nothing herein contained shall prevent any persons who may have voluntarily entered the asylum from quitting the same whenever they please.

10. And be it further enacted, That the said Trustees and Commissioners of Superintendence shall on the first Tuesday in the month of January and July in every year, make out an account in writing of the receipts and disbursements of all sums of money received and paid by them in the six months preceding, ending respectively on the thirtieth of June and thirty-first December; and the said Trustees and Commissioners of Superintendence or any two of them shall sign every such account and cause it to be laid before the Governor and Council and the General Assembly within ten days afterwards, if the General Assembly be in Session, otherwise within ten days of their assembling.

No. 177.
24 January 1846.
Commissioners of
Superintendence to
sanction discharge of
patients, &c.
Proviso.

Accounts to be laid
before the Legislature
by the Commis-
sioners.

No. 178.

No. 178.
27 February 1846.

27 February 1846.]—AN ACT to remove doubts as to whether certain provisions of an Act of this Island, entitled “An Act declaring what Proofs to Bonds, Bills, Procurations, Letters of Attorney, “or other Writings, shall be sufficient,” are repealed by the Statute of the Imperial Parliament passed in the fifth and sixth years of the Reign of his late Majesty King William the Fourth, entitled “An Act to Repeal an Act of the present Session of “Parliament, entitled ‘An Act for the more effectual abolition of “Oaths and Affirmations, taken and made in various Depart- “ments of the State, and to substitute Declarations in lieu “thereof, and for the more entire suppression of Voluntary “and Extra-Judicial Oaths and Affidavits; and to make other “provisions for the abolition of unnecessary Oaths.’”

WHEREAS by an Act of this Island which passed on the Sixteenth day of September, One thousand six hundred and fifty-three, entitled “An Act “declaring what Proofs to Bonds, Bills, Procurations, Letters of Attorney, “or other Writings shall be sufficient,” reciting that by reason of the great distance between this place and England, direct proof concerning deeds, bonds, writings, or other specialities for moneys or goods taken up or engaged, for and towards the supply and further settlement of this Island, and of letters of attorney, procurations, or other writings to prove the same cannot be had; and also any bonds or specialities thereafter to be taken upon any consideration whatsoever, whereby great mischiefs had redounded to the good people of the Commonwealth of England, and great obstructions to the justice of this Island, no express provision being made therein. For remedy whereof it was enacted and ordained by the Governor, Council, and Assembly, and by the authority of the same, That such deeds and bonds and other specialities, all letters of attorney, procurations or other powers in writings, which should at any time after the publication thereof, be produced in any Court of Justice within this Island, attested to have been proved on oath, under the corporation seal of the Lord Mayor of London, or any other mayor or chief officer of any city or town corporate, within the dominions of the Commonwealth of England should be taken, deemed, and adjudged as sufficient in law as if the witnesses in them named and subscribed had been personally here, and proved the same, which Act has not been repealed, or in any way altered by any enactment of the Legislature of this Colony: And whereas

Preamble.

No. 178.
27 February 1846.

since the passing of the said Statute of the Imperial Parliament, entitled "An Act to repeal an Act of the present Session of Parliament, entitled "An Act for the more effectual abolition of Oaths and Affirmations taken "and made in various Departments of the State, and to substitute "Declarations in lieu thereof, and for the more entire suppression of "Voluntary and Extra-Judicial Oaths and Affidavits, and to make other "provisions for the abolition of unnecessary Oaths," it hath been the practice to admit on record in the Secretary's office of this Island powers of attorney, deeds, procurations, and other instruments in writing executed in the United Kingdom of Great Britain and Ireland, and verified and proved by a solemn declaration made according to the provisions of the said Statute, instead of requiring proof of such execution to be made by affidavit in the manner provided by the aforesaid in part recited Act of this Island: And whereas doubts are entertained whether the provisions of the aforesaid in part recited Act of this Island are repealed by the said Statute of the fifth and sixth of his said late Majesty King William the Fourth, and whether powers of attorney, procurations, deeds, and other instruments in writing, verified and proved by a solemn declaration, made pursuant to the said Statute of Great Britain and Ireland can be admitted as evidence in the Courts of this Island: And it is expedient that such doubts should be removed:

Declarations of the
execution of deeds
made according to the
Act of Parliament,
admitted as evidence;

Proviso.

1. Be it therefore declared and enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all powers of attorney, procurations, deeds, and other instruments in writing, which have already been verified and proved by a solemn declaration made according to the provisions of the said Statute, and all powers of attorney, procurations, deeds and other instruments in writing, which shall hereafter be verified and proved by any such declaration, are hereby declared to be as good, valid and effectual for the purpose of proving the execution of such powers of attorney, procurations, deeds, and other instruments in the Courts of Justice in this Island, as if they had been verified and proved by affidavit in the manner provided in the aforesaid in part recited Act of this Island, entitled "An Act declaring what proofs "to Bonds, Bills, Procurations, Letters of Attorney, or other Writings, "shall be sufficient," or as if the person or persons making such declaration had appeared and sworn or affirmed the matters contained in such declaration *viva voce* in open Court. Provided also that any person making a false declaration in any of the cases referred to by this Act shall be subject to the like penalties as a person guilty of perjury.

2. And be it enacted, That this Act may be amended or altered by any Act to be passed in the present session.

No. 179.
6 May 1846.

No. 179.

6 May 1846.]—An Act to authorize the Sale of a part of the Glebe Lands of the Parish of Saint Michael, as a Site for a Lazaretto.

Preamble.
See Act 1 August 1850.

WHEREAS by an Act of this Island, passed in this present Session, entitled "An Act to provide for the Care and Maintenance of Persons afflicted "with Leprosy," the Town Hall Commissioners are authorized to select a fit and convenient spot of land on which to erect and establish a lazaretto for the reception of persons afflicted with leprosy, and to contract for and purchase the same: And whereas the said Town Hall Commissioners, under the authority of the said Act, have selected a part of the glebe lands of the parish of Saint Michael, comprising two acres, two roods, and thirty-five perches, as a fit and convenient spot on which to erect a

lazaretto: And whereas it hath been agreed between the said Town Hall Commissioners and the Rector of the said parish of Saint Michael, that the value of the said land shall be fixed at the sum of Two hundred and seventy-one pounds, seventeen shillings and sixpence current money of this Island: And whereas it is deemed expedient that the Rector of the said parish of Saint Michael, with the consent of the Patron and Bishop of the diocese, be authorized to convey the said spot of land so selected as a site for the said intended lazaretto to her Majesty, her heirs and successors, for the purposes of the said Act: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and immediately after the passing of this Act, it shall be lawful for the Rector of the said parish of Saint Michael, with the consent of the Patron and Bishop of the diocese, to execute a conveyance for the said spot of land to her Majesty, her heirs and successors, for the purposes of the said Act, and such conveyance shall be binding on the said Rector and his successors; and the said Commissioners or a Board of them are hereby authorized and required to draw an order on the Treasurer of the Island in favour of the Archdeacon of Barbados and the Rector of the said parish of Saint Michael for the amount of Two hundred and seventy-one pounds, seventeen shillings and sixpence, which order the said Treasurer is hereby authorized and required to pay out of the sum of Two thousand pounds sterling money in his hands applicable for the erection of a lazaretto. And the Archdeacon of Barbados and the Rector of the said parish of Saint Michael are hereby required to invest the value of the said spot of land in the purchase of other lands and hereditaments for the benefit of the said Rector, and his successors, Rectors of the said parish of Saint Michael, as shall be sanctioned by the Patron and Bishop of the diocese: Provided always that nothing in this Act contained shall extend or be construed to extend to affect the rights of her most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons whomsoever, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 180.

No. 180.
11 May 1846.

11 May 1846.]—An Act to authorize Police Officers to visit Private Wharfs and Bathing-houses, and other Erections in the Sea along the Coast of this Island, for the detection of Smuggling.

WHEREAS a number of private wharfs to facilitate the landing of goods, Preamble.
wares, and merchandizes, and for other lawful purposes, and also several bathing-houses in the sea for the private use, advantage, and emolument of the parties erecting them, have been allowed to be built and erected along the coast of this Island, and aback at the private residences or other premises of the said parties on their petition to the Legislature: And whereas no impediment is ever offered to such erections or objection made thereto on its being shown that the freehold next adjoining to, and bounding on the proposed site of any such erection, is the property and in the possession of the party or parties petitioning as aforesaid; and in every Act passed by the Legislature in concession of the prayer of any such petition, the right of using every such wharf, bathing-house, or other erection, with all the benefits, advantages, and emoluments arising or to arise therefrom, is vested in such party or parties exclusively, and his, her, or their heirs and assigns for ever: And whereas to prevent the perversion of any such wharf, bathing-house, or other erection, from

No. 180.
11 May 1846.

Police may enter
wharfs and bathing-
houses, if suspected to
be used for smuggling.

Proviso.

Persons conniving at
smuggled goods
being deposited in
their bathing-houses,
&c., forfeit 100*l*.

the uses contemplated by the Legislature to the purposes of smuggling, for which their situation and construction might in many instances afford facilities, it is expedient to give to the police established in this Island, full and unquestionable power and authority to visit and inspect the same at all hours, and otherwise to provide against such perversion: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from the passing of this Act, the Inspector-General and Inspector of Police, or the Acting Inspector-General or Inspector, and the police officers of the force, or any and every of them, subject however to the rules and regulations now and hereafter to be made for their good government, shall be, and they and every of them are and is hereby authorized and empowered, at any time and all times, both by night and by day, whenever he or they shall have reasonable ground to suspect that any such private wharf, bathing-house, or other erection in the sea, now or hereafter to be erected, is being perverted to the purpose of smuggling, to visit and inspect the same: and they and every of them shall have and exercise free access to every such wharf, bathing-house, or other erection, free from question, let, or hindrance, anything to the contrary in any private Act as aforesaid notwithstanding: Provided always, nevertheless, that no such bathing-house shall be entered by any police officer between day-dawn and sunset, if any person or persons is or are bathing therein, until after one hour's notice shall have been given to such person or persons bathing, through the attendant, if any, then and there in charge of such bathing-house. Provided always that such officer other than the Inspector-General or Inspector of Police so entering any such private wharf, bathing-house, or other erection in the sea, shall report his visit to the Inspector-General of Police, within a reasonable time afterwards, and the result, with the cause such officer had for suspecting that such private wharf, bathing-house, or other erection in the sea, had been perverted to the purposes of smuggling, under a penalty not exceeding Five Pounds current money of this Island, to be recovered by the party aggrieved in like manner as in the case of servants' wages.

2. And be it further enacted, That if smuggled goods be at any time found deposited on or in any such wharf, bathing-house or other erection, as aforesaid, or being landed thereat with the knowledge and consent of the party or parties, or any of them entitled as aforesaid to the exclusive use, benefit and emoluments thereof, or arising therefrom or with their connivance, or the connivance of any of them, every such party or parties shall, on conviction thereof, at the suit of the Treasurer of the Island for the time being, who is hereby authorized and directed to institute the same within three calendar months at the Court of Exchequer of this Island, forfeit and pay to her Majesty, her heirs and successors, to the uses of this Island, the sum of One Hundred Pounds currency with costs.

No. 181.
18 July 1846.

No. 181.

18 July 1846.]—AN ACT to amend an Act, entitled "An Act to enable the Barbados Mutual Life Assurance Society to sue and be sued in the name of the Secretary, or in the name or names of one or more of the Directors of the said Society, and to facilitate the carrying out the objects and transacting the business of the said Society."

Preamble.
Recital.

WHEREAS by an Act of this Island passed in the eighth year of the reign of her Majesty, entitled "An Act to enable the Barbados Mutual Life

"Assurance Society to sue and be sued in the name of the Secretary, or in the name or names of one or more of the Directors of the said Society, and to facilitate the carrying out of the objects, and transacting the business of the said Society;" it is amongst other things enacted, that in all actions, suits, and other proceedings at law or in equity, to be commenced, instituted, or prosecuted against the said Society by any person or persons, or by any body or bodies politic or corporate, or others; whether such person or persons, or any such persons or body or bodies politic or corporate, or any member or members thereof respectively, is or are or shall be a member or members of the said Society or not, shall and lawfully may be commenced, instituted, and prosecuted against the Secretary or any one or more of the Directors for the time being of the said Society, as the nominal defendant or defendants or party or parties proceeded against for or on behalf of the said Society: And whereas, it is deemed expedient to make an additional provision to the said recited Act, to enable any person having any claim against the said Society to institute proceedings at law or in equity, as the case may be, against the said Society, and to recover judgment therein, in the event of there being no Secretary or Director of the said Society:

No. 181.
18 July 1846.

See Act incorporating the Society passed 19 July 1851, by which the Society can sue and be sued.

1. Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That in case there shall be at any time no Secretary or Director of the said Society duly appointed, against whom any suit or action can be brought, it shall be lawful for any person or persons, or any body or bodies politic or corporate, or others; whether such person or any of such persons or body or bodies politic or corporate, or any member or members thereof respectively, is or are or shall be a member or members of the said Society or not, having cause of suit or action against the said Society; to commence, institute, and prosecute against any member or members of the said Society any actions, suits or other proceedings at law or in equity, as the nominal defendant or defendants, or party or parties proceeded against in such suit or action; and the death, resignation, or removal of any such member or members, shall not abate or prejudice any action, suit, or other proceeding at law or in equity, commenced or instituted under this Act, but the same may be continued, prosecuted, and carried on against such member or members so dying, resigning or being removed.

In case there be no Secretary or Director, any member may be sued—

—death, &c., not to cause action to abate.

2. And be it enacted, That all and every judgment and judgments, decree or decrees, recovered in any such action, suit, or other proceeding at law or in equity, against any member or members of the said Society, in such event as aforesaid, shall have the like effect and operation upon or against the funds and property of the said Society, as if such judgment or decree had been recovered or obtained against the Secretary or any Director or Directors of the said Society, under and by virtue of the said recited Act, anything in the said recited Act to the contrary notwithstanding. Provided always that nothing in this Act contained shall be deemed or taken to enable any plaintiff or prosecutor in any action or suit, or other proceeding under this Act, to recover from any member of the said Society, other or greater sum or sums of money than such member would or might have been liable to pay, either at law or in equity, under any contract for the time being subsisting, if this Act had not been passed. Provided also that any such member or members against whom any such action, suit, or proceeding, under this Act shall be commenced or prosecuted, shall always be reimbursed and repaid out of the funds or property of the said Society, all such costs, charges, losses, and damages, as by the event of such action, suit, or proceeding, he or they shall be put unto or become chargeable with; and if the funds or

Judgment against such member to affect the property and funds of the Society.

Proviso.

Proviso.

No. 181
18 July 1846.

property of the said Society shall be insufficient to pay such costs, charges, losses, and damages in full, then the deficiency shall be made good by the members of the said Society for the time being, rateably and in proportion to his, her, or their shares or interest therein.

No. 182.
16 October 1846.

No. 182.

16 October 1846.]—AN ACT to alter and amend an Act, entitled
“An Act to repeal an Act empowering Licentiate Lawyers to
“practise as Barristers in this Island, and also for the better
“regulating the Laws as to the admission of Solicitors, Attor-
“neys, and Proctors, to practise within this Island.”

Preamble.

WHEREAS by an Act passed the Fifteenth day of September, One thousand eight hundred and nineteen, entitled “An Act to repeal an Act
“empowering Licentiate Lawyers to practise as Barristers in this Island,
“and also for the better regulating the Laws as to the admission of
“Solicitors, Attorneys, and Proctors, to practise within this Island,” it is
therein among other things enacted, that no person shall practise or
conduct any business whatever, as a solicitor, attorney, or proctor, in
any of his then Majesty’s Courts within this Island, unless such person
shall have served a clerkship of five years at least in this Island in any
office of a solicitor, attorney, or proctor, carrying on business in this
Island, or unless such person shall have been regularly and duly
admitted to practise as a solicitor, attorney, or proctor, in the United
Kingdom of Great Britain and Ireland: And whereas, it would be
assimilating the admission of solicitors, attorneys, and proctors, nearer
to the practice of admission observed in England, if part of the said
term of five years was allowed to be performed in manner hereinafter
mentioned:

Be it therefore enacted, by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty’s most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor-General and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same, That if any person (who now is serving or hereafter shall serve a clerkship of five years with any solicitor, attorney, or proctor, carrying on business in this Island in manner mentioned by the said recited Act) has been or shall hereafter be and continue as pupil to any practising barrister in this Island, for any part or parts of the said term of five years, for any time not exceeding one year, it shall be lawful for the Judge or other sufficient authority to whom such person shall apply to be admitted as a solicitor, attorney, or proctor, as aforesaid, upon affidavit or affirmation of such clerk, and of such barrister, to be duly made, and upon being satisfied that such person applying for admission had actually and really been, and continued with, and had been employed as aforesaid by such practising barrister, to admit such person as a solicitor, attorney, and proctor, in like manner as is now done in cases where the clerk has served his whole clerkship of five years with a solicitor, attorney, or proctor, anything in the said in part recited Act to the contrary notwithstanding.

No. 183.

No. 183.
20 October 1846.

20 October 1846.]—AN ACT for the more effectual settlement of the Debts of Insolvent Traders, by realizing and making distribution of their Assets, and for relieving such Insolvents upon certain conditions from all future liabilities on account of such Debts.

WHEREAS it has become expedient to make more special provision for the case of such traders as are in insolvent circumstances: Be it therefore enacted by his Excellency the Right Honourable Sir Charles Edward Grey, Knight, one of her Majesty's most Honourable Privy Council, Knight Grand Cross of the Royal Hanoverian Guelphic Order, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all merchants, brokers, persons using the trade or profession of a scrivener, receiving other men's money or estates into their trust or custody, warehousemen, wharfingers, lightermen, builders, blacksmiths, whitesmiths, carpenters, shiprights, victuallers, keepers of inns, taverns, hotels, or coffee-houses, cattle or sheep salesmen, and all persons using the trade of merchandise by way of bargaining, exchange, bartering, commission, consignment or otherwise in gross or by retail, and all persons who either for themselves or as agents or factors for others, seek their living by buying and selling, or by buying and letting for hire, or by the workmanship of goods or commodities, shall be deemed traders for the purposes of this Act. Provided that no planter, plantation attorney, or persons managing estates, cattle breeder, common labourer, or workman for hire, or member or subscriber to any commercial or trading Company, established by charter or colonial law, shall be deemed as such a trader liable to the provisions of this Act.

Preamble.

Who are to be deemed traders for the purposes of this Act.

Proviso.

2. And be it enacted, That if any such trader shall by any Act declare himself unable to meet his engagements, or having been arrested or taken in execution for debt, or on attachment for non-payment of money, shall permit any such arrest, execution, or attachment to remain open and unsatisfied for the space of twenty-one days, or upon any detention for debt shall remain in custody for the space of fourteen days, or shall by locking his gates or doors, or otherwise by concealing or secreting his person or chattels, endeavour to prevent the execution of any writ or other process for payment of money issued against his person or chattels, or if any such trader with intent to defeat or delay his creditors shall depart this Island, or being out of this Island shall remain absent, or depart from his dwelling-house, or begin to keep his house, or make or cause to be made any fraudulent gift or delivery, or transfer of any of his real or personal estate or effects, or commence to sell his stock-in-trade at an undervalue, or permit a judgment to be entered up against him for a debt not due, or for any one or more debts in preference to others, or procure his real or personal estate or effects to be attached or taken in execution, it shall and may be lawful for any creditor or creditors whose debt or debts shall amount to one hundred pounds sterling or upwards, to apply by petition to the Court of Exchequer, or to the Chief Baron of such Court, and to state therein upon oath, the circumstances under which he or they believes or believe such trader is unable to meet his engagements, or has done, suffered, procured, executed, permitted, made, or caused to be made any of the acts, deeds, or matters aforesaid, and shall in like manner upon oath state the amount of his or their debt or debts, and what application has been made for payment thereof, or for explanation of any acts, deeds, or matters aforesaid and the results, or that such application has not been made in consequence of the absence or denial of such trader after proper inquiries; which petition shall be filed in the office of the Remembrancer of the Court of Exchequer, and if in the opinion of the Court or the Chief Baron the circumstances disclosed as aforesaid, shall amount to a declaration of

What acts constitute insolvency, and what proceedings are to be taken to obtain a declaration of insolvency against a trader, &c.

See Act 29 July 1853.

No. 183.
20 October 1846.

insolvency, and inability to meet his engagements, or to an intention to defeat or delay the creditors of such trader, it shall thereupon be lawful for such Court or the Chief Baron thereof to take cognizance thereof, and to certify on such affidavit, that such trader hath committed an act of insolvency, and hath thereby become an insolvent, and to declare him an insolvent trader within the provisions of this Act accordingly.

Proceedings by the
trader himself, to ob-
tain a declaration of
insolvency.

3. And be it enacted, That whenever any trader shall be in insolvent circumstances, and unable to meet his engagements, it shall and may be lawful for any such trader to present a petition to the Court of Exchequer or to the Chief Baron of such Court, setting forth such declaration of insolvency and his inability to meet his engagements, and make oath according to the form in the Schedule to this Act annexed, which oath the Remembrancer of the Court of Exchequer, or his lawful deputy, is hereby authorized and required to administer; which petition and affidavit shall be forthwith filed in the office of the Remembrancer, and it shall thereupon be lawful for such Court to take cognizance of such petition, and for the Chief Baron thereof to make an order for the hearing of such petition either in Court, or at Chambers, as to him shall seem meet, and if it shall appear to him on such hearing that such insolvent hath committed an act of insolvency, and hath thereby become an insolvent, to declare him an insolvent trader within the provisions of this Act.

Official Assignee to
be appointed—

4. And for the better investigation of the estates of insolvent traders, and the more speedy and satisfactory distribution of their effects, Be it enacted, That it shall be lawful for the Governor for the time being, to appoint some fit and proper person to be an Official Assignee in all such insolvencies, who shall give the security hereinafter directed, and be subject to the orders of the Court of Exchequer.

—and to enter into a
recognizance.

5. And be it enacted, That before any Official Assignee shall be authorized to act as such, he shall enter into recognizance to our Sovereign Lady the Queen, her heirs and successors, himself in one thousand pounds sterling, and two sufficient sureties, each of whom shall justify in five hundred pounds sterling, before the Chief Baron of the Court of Exchequer, for the faithful and due discharge of the duties of his office, such recognizance to be entered up and recorded in the office of the Remembrancer of such Court, and to be signed by such Official Assignee and his sureties, before the said Chief Baron as aforesaid, at the time of their entering into such recognizance, the amount of which security it shall and may be lawful for the Chief Baron of the Court of Exchequer, from time to time, to increase wherever he shall see fit so to do.

Official Assignee to
keep office in town.

6. And be it further enacted, That the Official Assignee to be appointed under this Act, shall have his office in the city of Bridge-Town, and that such Official Assignee shall be in attendance at such office by himself or deputy, between the hours of ten and three o'clock daily, Christmas Day, Good Friday, and Fast Days excepted throughout the year.

After adjudication of
insolvency, estate to
vest in Official
Assignee.

7. And be it enacted, That from and immediately after any such adjudication of insolvency pursuant to the aforesaid provisions of this Act, the real and personal estates and effects of every such insolvent trader shall, without any assignment whatever, vest in the Official Assignee, for the benefit of all and every the creditors of such insolvent to be held and disposed of for the purpose and according to the true intent and meaning of this Act.

Chief Baron may
grant protection to in-
solvent trader.

8. And be it further enacted, That from and immediately after any such adjudication of insolvency by the said Court of Exchequer, or the Chief Baron thereof, it shall and may be lawful for the said Court of Exchequer, or the Chief Baron thereof, to give to every such insolvent trader a protection from all process whatever, either against his person or property of every description, which protection shall continue in force, and all process be stayed, until such time as such Court of Exchequer, or the Chief Baron thereof, shall make order to the contrary; and if any

such insolvent trader shall be in custody, it shall be lawful for such Court of Exchequer, or the Chief Baron thereof, to order such insolvent trader to be discharged out of custody, either with or without bail, and to give him all such protection as aforesaid during such time as such Court of Exchequer, or the Chief Baron thereof, shall think fit.

9. And be it enacted, That the Remembrancer of the said Court of Exchequer shall, from and immediately after such adjudication of insolvency, give notice thereof in the official Gazette, if there be one, and also in some other newspaper circulating within the Island, and appoint such days and place for such insolvent trader to appear before the Court of Exchequer, and conform to the provisions of this Act, as such Court shall think proper.

10. And be it enacted, That every such insolvent trader shall, within fifteen days from and after such adjudication of insolvency, lodge in the office of the Official Assignee all his books of account, vouchers, papers, and writings, in anywise touching or relating to his estate and effects, together with a schedule of his estate and effects, and balance sheet, showing a true statement of all his liabilities and assets, there to be open to the inspection and examination of all and every his creditors, who may take extracts from or copies of any of such books of accounts, vouchers, papers, balance sheet, and schedule and writings, at their own proper cost and charge; and such schedule shall contain a list of all books of account, vouchers, papers, and writings, so delivered to the said Official Assignee, and shall be signed by the said Official Assignee in testimony of his having duly received the books of accounts, vouchers, papers, and writings therein specified, or such of them as shall be by him under his hand acknowledged to be received; and in default thereof, it shall be lawful for the Court of Exchequer, or the Chief Baron thereof, to cancel, and make void all or any such protection as any such insolvent trader may have received pursuant to the provisions of this Act, upon the application of any creditor or creditors of such insolvent trader, unless it shall appear upon affidavits to the satisfaction of the said Court, or of the Chief Baron thereof, that the books of accounts, vouchers, papers, and writings are not in the possession of, or under the control of the said insolvent trader.

11. And be it enacted, That every such insolvent trader, together with his books of accounts, vouchers, papers, and writings, shall hand over to the said Official Assignee all his moneys, bonds, bills of exchange, promissory notes, and securities for moneys, and all his other goods and effects, and in wilful default thereof such insolvent trader shall not be entitled to the benefit of this Act.

12. And be it further enacted, That it shall be the duty, and it is hereby required of the Official Assignee under this Act, forthwith to examine into the books of accounts, papers, and vouchers of every insolvent trader lodged in his office, and to make a report of the same to the Court before which such insolvent shall be brought, and such Report shall set forth particularly whether the books have been kept in a clear and correct manner, so as to enable the creditors to obtain a complete knowledge of the state of the affairs of such insolvent, and shall also furnish a statement of the probable assets of the estate; and no insolvent trader whose debts shall amount to five hundred pounds sterling, shall be entitled to the benefit of this Act, unless he shall have kept such books of account as will enable the said Official Assignee to obtain a correct and full knowledge of the insolvent's affairs.

13. And be it further enacted, That upon the appearance of every such insolvent trader, pursuant to the provisions of this Act, before the Court of Exchequer, such Court shall proceed to examine into the report of the Official Assignee; and shall examine on oath, or if a Quaker or Moravian on affirmation, the insolvent and such other witnesses as the Court shall deem necessary, and it shall be lawful for any of the creditors to oppose any insolvent's final discharge, and for that purpose to put

Notice.

Insolvent trader to lodge his books, &c., in office of Official Assignee, within 15 days from adjudication of insolvency.

In default his protection may be cancelled

Insolvent trader to deliver his goods, &c., to Official Assignee, &c.

Report to be made by Official Assignee.

Books of accounts to be kept.

Court of Exchequer to examine Official Assignee's report, and examine insolvent and witnesses; creditors may oppose insolvent, &c., as herein. Transferred to Court of Common Pleas.

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See Act 29 July 1853.

such questions to such insolvent and examine such witnesses as the said Court shall deem necessary, touching the matters contained in the schedule of such insolvent, and touching such other matters as the said Court shall be of opinion may be fit and proper to inquire into, in order to the due execution of this Act; but no creditor shall examine or oppose the discharge of any insolvent, until he shall have made oath or affidavit (or if a Quaker or Moravian affirmation) of his debt, or otherwise give satisfactory proof of his right to oppose such insolvent's discharge, if required so to do by such insolvent; and in case the said Court shall entertain any doubt touching any matter alleged against such insolvent at such hearing to prevent his discharge, or otherwise touching the schedule, or the examination of such insolvent, or it shall appear that amendment is necessary to be made of such schedule, or in case such insolvent shall refuse to be sworn, or shall not answer upon oath to the satisfaction of the said Court, it shall be lawful for the said Court to adjourn the hearing or examination of such insolvent, and of witnesses thereupon, to some future day to be appointed by the said Court; and the said insolvent shall appear for hearing accordingly on such day without any further order for that purpose, and the examination and inquiry shall be made and proceeded with by the said Court: Provided always, and be it further enacted, that where any insolvent shall so appear before the said Court, it shall be lawful for the said Court in their discretion to receive the affidavit or affidavits of any creditor or creditors, or other person or persons, in opposition to the discharge of such insolvent; and also if such Court shall think fit to permit interrogatories to be filed for the examination or cross-examination of any person or persons, making or joining in such affidavits, or of any other person; and to adjourn the hearing and examination of such insolvent, until such interrogatories shall be fully answered to the satisfaction of the said Court, and to make such order as to payment of the costs of such hearing and proceedings as to the said Court shall seem fit.

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Creditor to give notice to insolvent if he opposes his discharge.

14. And be it enacted, That in no case shall any creditor be permitted to oppose the final discharge of any insolvent trader on any hearing, or adjourned hearing of any insolvent trader as aforesaid, unless such opposing creditor shall have given to such insolvent a notice in writing, setting forth the matters intended to be alleged against such insolvent by such creditor at such hearing, or adjourned hearing, five days before the sitting of the Court at each such hearing or adjourned hearing as to the place: Provided always, that if a personal service of the said notice cannot be effected, a copy thereof left with the Remembrancer of said Court on the day of the sitting of the said Court shall be deemed good service.

Insolvent not appearing may be arrested by warrant of Chief Baron—

—and detained as herein.

15. And be it further enacted, That in case any insolvent trader shall not duly appear at the time and place fixed for the hearing, or any adjourned hearing of such insolvent (not being prevented by illness or other lawful impediment to be allowed of by the Court of Exchequer), it shall be lawful for the Chief Baron of the Court of Exchequer to issue a warrant authorizing any person or persons therein named to apprehend and arrest such insolvent and deliver him into the custody of the gaoler; and such gaoler is hereby required to receive such prisoner into his custody; and all detainers, if any, which were in force against such prisoner at the time of his discharge out of custody, or which shall have been afterwards duly lodged against him, shall thereupon be deemed to be in force: Provided always, that any insolvent previously discharged out of custody shall on his appearing or being brought before the Court be deemed and considered for all the purposes of this Act, in the custody in which he was at the time he was so discharged.

Proviso.

Court may direct an issue, &c.

16. And be it enacted, That if the said Court of Exchequer, or the Chief Baron thereof, shall entertain any doubt touching any facts in the examination of any matter coming before it under the provisions of this Act, it shall be lawful for the said Court to direct the trial of such facts

// by an issue or issues before a jury duly empannelled in the Court of Common Pleas of this Island.

17. And be it enacted, That after any such examination of any such insolvent as hereinbefore directed, it shall be lawful for the said Court upon being satisfied that such insolvent hath made a full discovery and surrender of his estate and effects, and that there appears no reason for doubting the truth and fulness of such discovery, and that the said insolvent hath in all things conformed himself to the provisions of this Act, to adjudge that such insolvent shall be discharged from all his debts subsisting at the time such adjudication of insolvency as hereinbefore mentioned took place: Provided that no such discharge be given to such insolvent trader until the expiration at the least of two calendar months from the date of such adjudication of insolvency. —

After examination of insolvent, Court, if satisfied, may order insolvent to be discharged from his debts.

18. And be it enacted, That no discharge of an insolvent trader under the provisions of this Act, shall release or discharge any person who was partner with such insolvent at the time of his insolvency, or who was then jointly bound, or had made any joint contract with such insolvent.

Discharge of insolvent not to release others jointly bound.

19. And be it enacted, That no insolvent trader shall be entitled to the benefit of this Act who shall have designedly withheld any of his said books of accounts, vouchers, papers and writings, or whose books of accounts, vouchers, papers, and writings, balance sheet and schedule, shall not have been lodged in the office of the Official Assignee for the purposes of this Act at least two calendar months.

Withholding books, &c., deprives insolvent of the benefit of this Act.

X 20. And be it enacted, That in case it shall appear to the said Court that such insolvent shall have contracted any debt fraudulently, or by means of a breach of trust, or by means of false pretence, or without having had any reasonable or probable expectation at the time when he contracted for paying the same, or shall have lived extravagantly, and beyond his proper means, or shall have fraudulently, or by means of any false pretence, obtained the forbearance of any debt by any of his creditors, or shall have lost by gambling; within six months previous to his insolvency, the sum of fifty pounds sterling or upwards, or shall have put any of his creditors to any unnecessary expense by any vexatious or frivolous defence or delay to any suit for recovering any debt or sum of money due from such insolvent, or shall have kept, or caused to be kept any false book or books, or made or caused to be made any false entry or entries, or withheld or caused to be withheld any entry or entries, from, or wilfully altered or falsified, or caused to be altered or falsified, any book or books, papers or writings; or that such insolvent has fraudulently, with intent to diminish the sum to be divided among his creditors, or to give an undue preference to any of the said creditors, discharged or concealed any debt due to or from the said insolvent, or made away with, charged, mortgaged, or concealed any part of his property of what kind soever, then it shall be lawful for the Court to order such insolvent to be Imprisoned in the common gaol for a period not exceeding Two Years, as the Court shall direct, to be computed from the date of such order, and to be discharged from his debts after the expiration of such imprisonment.

For what causes the Court may order the insolvent to be Imprisoned for a limited time.

21. And be it enacted, That in case it shall appear that the said insolvent is indebted for damages, recovered in any action for criminal conversation with the wife, or for seducing the daughter or servant of the plaintiff in such action, or for breach of promise of marriage made to the plaintiff in such action, or for damages recovered in any action for a malicious prosecution, or for libel, or for slander, or in any other action for a malicious injury done to the plaintiff therein, or in any action for tort or trespass to the person or property of the plaintiff therein, where it shall appear to the satisfaction of the said Court that the injury complained of was malicious, then it shall be lawful for the Court to order that such insolvent shall be Imprisoned in the common gaol, for a period not exceeding Two Years, as the Court shall direct, to be computed from

For damages recovered in the cases herein specified Court may order insolvent to be Imprisoned for a limited time.

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Discharge of insolvent
to extend to process
of contempt for non-
payment of money
and costs, &c.

—and to annuities,
&c., the value of
which to be ascer-
tained as herein.

Estate of insolvent
vested in Official
Assignee—

and attachable by
Provost-Marshal as
herein provided.

Proviso.

the date of such order, and to be discharged from his debts after the expiration of such imprisonment.

22. And be it enacted, That the discharge of any insolvent trader shall extend to all process issuing out of any Court for any contempt of any Court for non-payment of money or of costs, and that in such case the said discharge shall be deemed to extend also to all costs which such insolvent would be liable to pay in consequence, or by reason of such contempt, or enforcing the same; and that every discharge as to any debt or damages of any creditor of such insolvent, shall be deemed to extend also to all costs incurred by such creditor before the filing of such insolvent's schedule, in any action or suit brought by such creditor against such insolvent for the recovery of the same, and that all persons having demands for any such costs, money, or expenses as aforesaid, shall be deemed and taken to be creditors of such insolvent in respect thereof, and entitled to the benefit of all the provisions made for creditors by this Act, subject nevertheless to such ascertaining of the amount of the said demands as may be had by taxation or otherwise, and to such examination thereof, as is herein provided in respect of all claims to a dividend out of such insolvent's estate and effects.

23. And be it enacted, That the discharge of such insolvent trader shall extend to any sum and sums of money which shall be payable by way of annuity, or otherwise, at any future time or times, by virtue of any bond, covenant, or other security of any nature whatsoever; and that every person and persons who would be a creditor or creditors of such insolvent for such sum or sums of money, if the same were presently due, shall be admissible as a creditor or creditors of such insolvent for the value of such sum or sums of money so payable as aforesaid, which value the said Court shall, upon application at any time made in that behalf ascertain, regard being had to the original price given for such sum or sums of money, and other circumstances affecting the value of such annuity, deducting therefrom such diminution in the value thereof, as shall have been caused by the lapse of time since the grant thereof, to the time of making such order as aforesaid, and such creditor or creditors shall be entitled, in respect of such value, to the benefit of all the provisions made for creditors by this Act, without prejudice nevertheless to the respective securities of such creditor or creditors, excepting as respects such insolvent's discharge under this Act.

24. And be it further enacted, That when any trader shall have become an insolvent, the whole estate present and in expectancy, and all the effects, and all the credits of such insolvent trader, shall immediately thereupon become absolutely vested in the Official Assignee, without any deed or conveyance whatsoever, and any creditor or creditors of any insolvent trader against whom any adjudication of insolvency shall be awarded pursuant to the provisions of this Act, whose debt or debts shall amount to the sum of one hundred pounds sterling or upwards, may forthwith make application by affidavit to the Court of Exchequer or Chief Baron thereof, for an attachment; which the said Court, or Chief Baron aforesaid, is hereby authorized and empowered to grant and direct to the Provost-Marshal-General, who by himself, or his lawful deputy, shall thereunder seize and take possession of the goods, wares, and merchandize, and all money, bankers' notes, cheques, bills of exchange, promissory notes, bonds, or other securities for money, of such insolvent; and all books of account, vouchers, and other documents relating to, or connected with the insolvent's trade or affairs; and shall deliver the same unto the said Official Assignee, or unto such person as such Official Assignee may appoint: Provided always, that the Provost-Marshal, or his lawful deputy, shall make a schedule of all such property and effects seized as aforesaid, one copy of which, verified on oath, shall be delivered to the Official Assignee aforesaid, and one other, also verified on oath, shall be filed in the office of the Remembrancer of the Court of Exchequer, each of such copies to be delivered and filed within fourteen days after

the execution of the said attachment; and the Provost-Marshall-General, or his lawful deputy, is hereby authorized and empowered, in the execution of any such attachment, to break open any gate, door, house, chamber, shop, store, warehouse, trunk, case, box, or chest of any insolvent trader, and seize upon the property of such insolvent trader; and when it shall be made to appear on oath to the satisfaction of the said Court, or Chief Baron thereof, that there is reason to believe or suspect that any property of the said insolvent trader is concealed in any house, premises, or other place not belonging to or under the control or possession of the said insolvent trader, such Court, or the Chief Baron thereof, is hereby authorized to grant a search warrant, directed to the Provost-Marshall-General, or his deputy, who shall execute the same in the same manner, and be entitled to the same protection as by law is afforded in the execution of search warrants granted for property reputed to have been stolen.

Provost-Marshall may break open doors, &c.

Search warrant, when grantable.

25. And be it further enacted, That it shall be the duty of the Official Assignee, and he is hereby required, to collect and receive all sums of money which may be due to any insolvent at the time of the adjudication of insolvency or afterwards, and to pay the same into one of the Chartered Banks of this Island; and such Official Assignee is hereby authorized to give receipts for all sums of money he may receive, which receipts shall be of the like force and effect as if the same had been given by such insolvent trader.

Official Assignee to collect debts due to insolvent, and pay same into one of the banks.

26. And whereas it is necessary the better to enable the Official Assignee to obtain correct information respecting the books, business debts, assets and affairs of such insolvent trader, that the power of examining any insolvent trader and witnesses on oath should be given to him: Be it further enacted, That it shall and may be lawful for the Official Assignee to order the attendance of any insolvent trader as often as such Official Assignee shall think fit: and the insolvent trader, if in custody, shall be carried before such Official Assignee, for which an order under the hand of such Official Assignee, in the form annexed to this Act, shall be a sufficient warrant; and such Official Assignee shall and may for the purposes aforesaid administer oaths, and summon and examine all witnesses and parties upon their oaths touching all matters relating to such insolvent's books, business, affairs, estate and effects: Provided always that the reasonable expenses of such insolvent trader, and of any witnesses required to attend before such Official Assignee be paid or tendered to them as often as they shall be called upon to appear before such Assignee.

Official Assignee may examine insolvent and witnesses, &c.

27. And be it further enacted, That if any insolvent trader duly summoned, shall refuse or neglect to attend before such Official Assignee, it shall and may be lawful for the Chief Baron of the Court of Exchequer on application by such Official Assignee, on oath or affidavit, stating that he believes the examination of the insolvent is necessary to enable him to make a proper report to the Court, accompanied by an affidavit of service of the summons upon such insolvent, to issue his warrant directed to the Provost-Marshall-General or his deputy, to take such insolvent before the Official Assignee, and him safely keep until his examination shall have been completed; and in case any witness shall refuse or neglect to attend before such Official Assignee, he shall pay and forfeit a sum not exceeding Fifty Pounds sterling, to be recovered by attachment under the hand and seal of the Chief Baron of the Court of Exchequer, the whole of which penalty shall be to the use of her Majesty, her heirs and successors, for and towards the support of the Government of this Island: Provided always, that before any such attachment shall issue, the said Official Assignee shall prove to the satisfaction of the Chief Baron that the witness was duly summoned, his expenses duly tendered, and that he did not obey the exigency of the said summons.

Insolvent neglecting to attend before Official Assignee may be taken into custody as herein provided.

Witness refusing or neglecting to attend a summons from Official Assignee incurs a penalty.

28. And be it further enacted, That the said Official Assignee shall, and he is hereby directed to return to the Court, together with his report, the evidence taken by him on which such report is founded, and the

Evidence to be returned with report by Official Assignee,

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Court may order expenses, &c.

Official Assignee to keep an account and make dividends as herein directed.

Creditor dissatisfied with account of Official Assignee may apply to the Court.

Official Assignee to collect debts and sell estate and effects as herein provided.

Creditors may vote by proxy.

Official Assignee to sell perishable articles.

Leases of insolvent, how to be dealt with.

Court may order payment out of the estate of the insolvent trader, of such expenses of insolvent trader, and witnesses examined by the Official Assignee, as to the Court shall seem fit.

29. And be it further enacted, That such Official Assignee shall keep account from day to day of all moneys received and paid, and of everything done by him and under him, in the matter of any insolvent's estate vested in him, and shall make oath that such account contains a true and particular statement of the estate and effects of such insolvent collected by such Assignee, and of all payments made by him in respect thereof, up to the time of filing such account, which account, together with a statement of the probable assets of the estate, shall be filed with the Remembrancer of the Court of Exchequer, at least every three months, and it shall be the duty of the Official Assignee under the order of the said Court of Exchequer, or of the Chief Baron thereof, to make a dividend amongst the creditors of the estate, out of the moneys in his hands or within his control on account of the said estate.

30. And be it further enacted, That if any creditor of any insolvent trader, or any insolvent trader, shall be dissatisfied with the account of any Official Assignee appointed under this Act, it shall and may be lawful for such creditor, or insolvent trader, at his option, to apply to the Court of Exchequer, stating the ground of complaint against such Assignee, whereupon the said Court is hereby authorized to make such order therein, as to the said Court shall seem meet and proper.

31. And be it further enacted, That the Official Assignee of the estate and effects of every insolvent trader shall, with all convenient speed, use his best endeavours to get in the estate and effects of such insolvent, and make sale of all such estate and effects, and if any insolvent shall be interested in or entitled to any real estate, either in possession, reversion, remainder, or expectancy, such real estate shall be sold within such time as two-thirds in value of the creditors of such insolvent present, shall in writing under their hands direct at any meeting or meetings to be called for that purpose, by notice to be published for two weeks consecutively, once in each week previous thereto, in two several newspapers, one of which to be the official Gazette, and such sale shall be made by public auction or by private contract, and either together or in lots, in such manner, at such time and place, and upon such terms and conditions as the said creditors shall have determined at such meeting or meetings, or in case no sale shall be agreed on at such meetings within nine months after the discharge of the insolvent trader, then within such time, and in such manner as the said Court of Exchequer shall direct. Provided always, that it shall be lawful for such creditors to be represented, and to vote by agent duly appointed at any such meeting or meetings.

32. And be it enacted, That the Official Assignee to whom the goods, wares, and merchandize of any such insolvent trader shall be delivered, may, and he is hereby authorized and empowered to make sale, and dispose of, either by public auction or private contract, all such of them as are of a perishable nature; accounting for such sales in the accounts hereinbefore directed to be kept and filed by such Official Assignee.

33. And be it enacted, That in every case in which any insolvent trader shall be entitled to any lease or agreement for a lease, and his creditors shall, by a resolution at a public meeting to be called by public advertisement for that purpose by the Official Assignee, accept the same, and the benefit thereof as part of such insolvent's estate and effects, the said insolvent shall not be liable to pay any rent which may become due subsequent to his discharge, nor be in any manner sued after such acceptance in respect or by reason of any subsequent non-observance or non-performance of the conditions, covenants, or agreements therein contained. Provided always, that if the creditors decline the same, the said insolvent trader shall not be liable as aforesaid, in case he deliver

up such lease or agreement to the lessor, or such person agreeing to grant a lease, within fourteen days after he shall have notice that the creditors have declined as aforesaid; and if the creditors shall not (upon being thereto required) elect whether they will accept or decline such lease or agreement for a lease, the lessor or person so agreeing as aforesaid, or any person entitled under such lessor or person so agreeing, shall be entitled to apply to the Court of Exchequer, and such Court may order them so to elect and deliver up such lease or agreement, in case they shall decline the same and the possession of the premises, or may make such other order therein as may seem meet and just.

34. And be it enacted, That no distress for rent made and levied after any adjudication of insolvency under this Act upon the goods and effects of any such insolvent trader shall be available for more than one year's rent, accrued prior to such adjudication; but the landlord or party to whom the rent shall be due, shall be a creditor for any further rent due, and entitled to all the provisions made for creditors by this Act. Distress for a year's rent allowed.

35. And be it further enacted, That all powers vested in any trader previous to the adjudication of his insolvency, which he might legally execute for his own benefit, shall be, and the same are hereby vested in the Official Assignee, to be by him executed for the benefit of all and every the creditors of such insolvent trader under this Act, in such manner as such insolvent might have executed the same for his own benefit: Provided always, that if any insolvent trader availing himself of the benefit of this Act shall be in copartnership, the estate and interest of such insolvent trader in such copartnership debts and assets, shall vest in the Official Assignee of such insolvent, jointly with the solvent copartner or copartners; and in all actions or suits brought for the recovery of any such copartnership debts and assets, it shall be lawful for the solvent copartner or copartners, and the Official Assignee of any insolvent, to sue in their own names for the recovery of such debts and assets. Powers vested in insolvent to be exercised by Official Assignee.

36. And be it enacted, That it shall be lawful for the Official Assignee of any insolvent trader to sue from time to time, as he may see occasion, in his own name, for the recovery, obtaining, and enforcing of any estate, effects, or rights of such insolvent, but in trust for the benefit of the creditors of such insolvent, according to the provisions of this Act, and to give such discharge and discharges to any person or persons, who shall be respectively indebted to such insolvent, as may be requisite, and to make compositions with any person indebted to such insolvent where the same shall appear necessary, and to take such reasonable part of any such debts as can, upon such composition, be obtained, in full discharge of such debts and accounts, and to submit to arbitration any difference or dispute between such assignee and any person or persons, for or on account of, or by reason of any matter, cause or thing relating to the estate and effects of such insolvent trader. Proceedings in case of copartnership with a secret partner, &c.

37. And be it enacted, That if any insolvent trader (not being an agent, factor, broker, or auctioneer) shall at the time of adjudication of his insolvency, as hereinbefore provided, with the consent or permission of the true owner thereof, have had in his possession, order, or disposition, any goods or chattels whereof such insolvent was reputed owner, or whereof he had taken upon himself the sale, alteration, or disposition as owner, the same shall be deemed to be the property of such insolvent, and become vested in his assignees. Provided that no transfer or assignment of any ship or vessel, or any share thereof, made as a security for any debt or debts, either by way of mortgage or assignment duly registered, according to the provisions of an Act made in the sessions of the Imperial Parliament held in the third and fourth years of the reign of his late Majesty King William the Fourth, entitled "An Act for the registering of British vessels," shall be invalidated or affected by reason of such possession, order, or disposition of the same aforesaid. Official Assignee to sue, compound, &c., as herein.

What goods and chattels in possession of insolvent vest in his Assignee.

Proviso as to ships.

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20 October 1846.

After insolvent becomes entitled to his discharge, no execution to issue on any judgment, or any action to be brought, on any new contract in respect of any debt from which he shall be entitled to be discharged.

No insolvent trader entitled to the benefit of this Act to be afterwards imprisoned for any debt in respect of which he has become entitled to his discharge.

Insolvent granting warrant to confess judgment, &c., within three months previous to adjudication of insolvency, such warrant, &c., void.

What assignments and dispositions of property by a trader in insolvent circumstances declared void.

Proviso.

38. And be it enacted, That after any insolvent trader shall have become entitled to his discharge under this Act, no writ of execution shall issue on any judgment obtained against such insolvent for any debt or sum of money with respect to which such insolvent shall have so become entitled to his discharge, nor in any action upon any new contract or security for payment thereof; and that if any suit or action shall be brought, or any writ be issued against any such insolvent, his heirs, executors, or administrators, for any such debt or sum of money, or upon any new contract or security for payment thereof, or upon any judgment obtained against such insolvent for the same, it shall be lawful for such insolvent, his heirs, executors, or administrators, to plead generally that such insolvent was duly discharged according to this Act, by the order of adjudication made in that behalf, and that such order remains in force, without pleading any other matter specially; whereto the plaintiff or plaintiffs shall or may reply generally, and deny the matters pleaded as aforesaid, or reply any other matter or thing which may show the defendant or defendants not to be entitled to the benefit of this Act, or that such defendant was not duly discharged, according to the provisions thereof; in the same manner as the plaintiff or plaintiffs might have replied, in case the defendant or defendants had pleaded this Act, and a discharge by virtue thereof specially.

39. And be it enacted, That no insolvent trader who shall have become entitled to the benefit of this Act, shall at any time hereafter be imprisoned for, or by reason of any debt or sum of money or costs, with respect to which such insolvent shall have become entitled to his discharge; or for, or by reason of any judgment, decree, or order for payment of the same; but that upon any arrest or detainer in prison, upon any such judgment, so entered up as aforesaid, or for or by reason of any such debt or sum of money, or costs, or judgment, decree, or order for payment of the same, it shall be lawful for any Judge of the Court from which any process shall have issued in respect thereof, and such Judge is hereby required, upon proof made to his satisfaction that the cause of such arrest or detainer is such as hereinbefore mentioned, to release such defendant from custody; and at the same time if such Judge shall in his discretion think fit, it shall be lawful for him to order such plaintiff, or any person or persons suing out such process, to pay such defendant the costs which he shall have incurred on such occasion, or so much thereof as to such Judge shall seem just or reasonable.

40. And be it further enacted, That if any insolvent trader shall within three months previous to the adjudication of his insolvency, grant any warrant of attorney to confess judgment, or permit any cognovit actionem to be entered up against him, such cognovit actionem and judgment entered up thereon, and execution taken out on such judgment, shall be void against the Official Assignee of such insolvent; who shall be entitled to recover back, and receive for the use of the creditors of such insolvent, all moneys levied and effects, seized under, or by virtue of any writ or writs that may have been issued upon such judgment.

41. And be it enacted, That if any person in contemplation of his becoming an insolvent trader, or being in insolvent circumstances, shall voluntarily convey, assign, transfer, charge, deliver, or make over any estate real or personal, security for money, bond, bill, note, money, property, goods, or effects whatsoever, to any creditor, or creditors, or to any person or persons in trust for, or to, or for the use, benefit or advantage of any creditor or creditors, or to any person who is, or may be liable as surety for such person, every such conveyance, assignment, transfer, charge, delivery, and making over shall be deemed fraudulent, and void as against the Official Assignee of such person: Provided always, That no such conveyance, assignment, transfer, charge, delivery, or making over, shall be so deemed fraudulent and void, unless made within three months before he shall be declared an insolvent, according

to the provisions of this Act, or with the view or intention by the party so transferring, charging, assigning, conveying, delivering, or making over, or applying for, his discharge under this Act.

42. And be it enacted, That when any Official Assignee shall die or be removed, and a new Assignee shall be appointed, in pursuance of the provisions of this Act, no action at law or suit in equity shall be thereby abated, but the Court in which any action or suit is depending, may upon the suggestion of such death or removal and new appointment, allow the name of the said Assignee to be substituted in the place of the former Assignee, and such action or suit shall be prosecuted in the name of the surviving or new Assignee in the same manner as if he had originally commenced the same.

Suits not to abate by death or removal of Official Assignee.

43. And be it further enacted, That in all cases where mutual credit has been given between any insolvent who shall be discharged in pursuance of this Act, and any other person, body politic or corporate, before the delivery of such schedules of the estate and effects of such insolvent, the Official Assignee of such insolvent is hereby authorized and required to state and allow an account between the parties concerned; and nothing more shall be deemed the estate and effects of the insolvent than what shall justly appear due to him as and for the balance of such account when truly stated.

Set off allowed.

44. And be it enacted, That this Act shall not extend or be considered to extend, to discharge any insolvent with respect to any debt due to her Majesty or her successors, or to any debt or penalty with which he shall stand charged at the suit of the Crown, or of any person for any offence committed against any Act or Acts of this Island, relative to any branch of the public revenue, or at the suit of any sheriff or other public officer, upon any bail bond entered into for the appearance of any person prosecuted for any such offence, unless her Majesty's Attorney-General for this Island for the time being shall certify under his hand his consent to such discharge.

From what debts this Act does not discharge insolvent.

45. And be it enacted, That the provisions of this Act shall extend to married women, being traders within the intent and meaning of this Act, but that the vesting of the estate and effects of such married women in such Official Assignee as aforesaid, shall operate upon all property, real and personal, to which she may be entitled for her separate use, or over which she may have any power of disposition notwithstanding her coverture, or which shall be vested in any trustee or trustees or other person or persons for her benefit, and upon all personal estate and effects of which she shall have the actual possession, except her wearing apparel, bedding, and other necessities, not exceeding in the whole the value of twenty pounds sterling, and upon all other real and personal estate and effects to which she shall be entitled in any manner whatsoever, in possession, remainder, or reversion, subject only to such right, title, and interest, as her husband may have therein, and without prejudicing any rights of her husband in such real and personal estate and effects respectively; and all provisions in this Act contained touching the real and personal estate of any insolvent whose estate shall under this Act be vested in the Official Assignee, shall apply to such real and personal estate and effects respectively, in the same manner as the same would apply to such real and personal estate and effects if such woman, had she been sole and unmarried, subject only to the rights of her husband therein.

Married women traders, in what manner their estate vests in Official Assignee.

46. And be it enacted, That if any insolvent or other person taking an oath under the provisions of this Act, shall wilfully forswear and perjure himself in any oath to be taken under this Act, and shall be lawfully convicted thereof, the persons so offending shall suffer such punishment as may by law be inflicted on persons convicted of wilful and corrupt perjury, and that in all cases wherein by this Act an oath is required, the solemn affirmation of any person being a Quaker, or other person by law allowed to affirm, shall and may be accepted and taken in

Insolvent or other person wilfully forswearing himself guilty of perjury.

No. 183.
20 October 1846.

lieu thereof, and that every person making such affirmation, who shall be convicted of a wilfully false affirmation, shall incur and suffer such and the same penalties as are inflicted and imposed upon persons convicted of wilful and corrupt perjury, and any such offender may be prosecuted either by information at the suit of her Majesty's Attorney-General, or by criminal information before the Supreme Court, or by indictment.

Official Assignee entitled to 5 per cent.

47. And be it further enacted, That the Official Assignee shall, as a remuneration for his work, retain and keep for himself, out of the gross amount of money which shall come into his hands, five pounds per centum.

Official Assignee taking or allowing to be taken, any gratuity other than allowed by the Act, forfeits 500*l.* sterling.

48. And be it enacted, That if any Official Assembly shall, for anything done, or pretended to be done under this Act, or under colour of doing anything under this Act, fraudulently and wilfully demand, or take, or appoint, or allow any person whatsoever to take for him, on his account, or for or on account of any person by him named, or in trust for him, or for any other person by him named, any fee, emolument, gratuity, sum of money, or anything of value whatsoever, other than is allowed by this Act, such person, when duly convicted thereof, shall forfeit and pay the sum of Five Hundred Pounds sterling. Provided always, that all sums of money recovered under such proceedings against an Official Assignee, shall be paid into the office of the Treasurer, to be held by him as part of the general funds of the public of this Island.

Property vested in Official Assignee passes to his successor.

49. And be it enacted, That all and every the real and personal estate, money, and effects, vested in or possessed by any Official Assignee, shall not remain in him, if he shall resign or be removed from his office, nor in his heirs, executors, or administrators, in case of his death, but shall in every such case be vested in and delivered over to his successors in office.

The Governor may remove Official Assignee for misconduct and supply vacancy.

50. And be it enacted, That it shall be lawful for his Excellency the Governor, or person executing the functions of Governor for the time being, to remove any Official Assignee, for any misconduct or neglect of duty, and from time to time, as a vacancy may occur, by removal, death, or resignation, to appoint some other person qualified as aforesaid to fill any vacancy so occurring; and the Official Assignee so appointed shall have the power and authority in all insolvent estates, and be subject to the like responsibilities as the Official Assignee who shall have died, been removed, or resigned, had and was subject to, under the provisions of this Act.

As to what shall be set forth in any rules, orders, warrants, &c.

51. And be it further enacted, That in rules, orders, warrants, and other proceedings, made and done in pursuance of this Act, it shall be sufficient to set forth in such rule, order or warrant, or in case of a warrant for the apprehension or detention of any person, or for the appearance of such person before the said Court of Exchequer, or the Chief Baron thereof, or Official Assignee according to this Act, or for the enforcing any rule or order of the said Court, it shall be sufficient to set forth such rule or order, and the warrant thereon, and that the insolvent in any other order, rule, warrant, or other proceeding mentioned, has applied for his discharge from his liabilities according to the provisions of this Act, without setting forth in any such order, rule, warrant, or other proceeding, the application, appointment of Assignee, or the schedule, accounts, order for hearing adjudication, order for discharge, or any other rule, order or proceeding of or in the said Court, or any part thereof, except as aforesaid.

Proceedings in the Remembrancer's office may be inspected by insolvent or his creditors, who may have copies on paying for them, such copies certified to be evidence. See Act 29 July 1853,

52. And be it further enacted, That the Remembrancer of the Court of Exchequer shall, on the reasonable request of any insolvent, or of any creditor of such insolvent, or his attorney, produce and show to such insolvent, creditor or attorney, at all times such application, schedule, affidavits, fiat, order of adjudication, and all other orders and proceedings made and had in the matter of such application, and all books, papers, and writings filed in such matter, and permit him to inspect and examine

the same, and to take extracts therefrom; and shall provide for any such insolvent, creditor, or attorney, requiring the same, a copy or copies of any such application, schedule, affidavits, fiat, order of adjudication, accounts, or other order or proceedings, or of such part thereof as shall be so required, receiving for the same at the rate of one shilling sterling for every legal sheet of one hundred and sixty words; and that a copy of such application, schedule, affidavits, fiat, order of adjudication, account, and other orders and proceedings, purporting to be certified and signed by the said Clerk of the Court, or his deputy, as a true copy or copies of such application, schedule, affidavits, fiat, order of adjudication, or other proceedings, shall at all times be admitted in all Courts and places whatsoever, as sufficient evidence of the same, without any other proof whatever given thereof.

which transfers proceedings to the Prothonotary's office.

53. And be it enacted, That the assets of an insolvent trader's estate shall be distributed among the creditors in respect of judgments on which execution shall have been lodged, according to the law by which the Provost-Marshall's office is regulated; and in respect to all other debts, rateably in proportion to the amount proven as hereafter required. Provided always, that every creditor of an insolvent estate shall prove his demand by affidavit, to be deposed to before the Court of Exchequer, or the Chief Baron of the said Court, and lodged in the office of the Official Assignee.

Distribution of insolvent trader's estate, how to be made.

54. And be it enacted, That every adjudication made with respect to any insolvent trader, and the order thereupon, shall be final and conclusive, and shall not be reviewed unless the Court of Exchequer shall, during the sitting of the said Court, see good and sufficient cause to believe that such adjudication has been made on false evidence, or otherwise improperly made, or fraudulently obtained, or that such order was erroneously made, or is not pursuant to the adjudication; in any of which cases it shall be lawful for the said Court, upon the application of such insolvent, or any creditor, to order such insolvent, upon due notice to be given to such person or persons, to attend or to be brought up, and the said matter to be re-heard before the said Court, who shall thereupon re-hear the same, and shall and may, if just cause shall appear, annul the original adjudication and order thereupon, or any order made in such case; and thereupon, in case the former adjudication or order in the matter shall not be confirmed, such order, certificate, and warrant shall be made as required by this Act to be made upon such original adjudication, and the said Court shall and may, if necessary, commit the said insolvent to custody, or remand the insolvent into the same custody in which he was at the time of the former hearing of the matters of his application, there to be subject to imprisonment, as if the former adjudication therein had not been made; and thereupon all detainers which were in force against such insolvent at the time of his former discharge, shall be deemed to be still in force against him, as if such former adjudication had not been made; and the gaoler or keeper of the prison to which such insolvent shall be so committed or remanded shall, and he is hereby required to receive such insolvent into his custody, in pursuance of such committal or remand, for doing which the order of committal or remand in such case shall be his sufficient warrant; and where in any case such insolvent shall refuse or neglect to appear before the said Court, according to such order for re-hearing as aforesaid, a copy whereof shall have been duly served on such insolvent, it shall be lawful for the said Court to order such insolvent to be apprehended and committed to custody in such prison as the said Court shall direct, and to issue a warrant accordingly, and to cause such insolvent to be brought up for examination as often as to the said Court shall seem fit. Provided always, that where, upon such re-hearing, it shall appear to the said Court that such insolvent is not entitled to the benefit of this Act, until such future period, according to the provisions hereinbefore contained, the said Court shall and may, if it shall appear reasonable, adjudge the

Powers of Court of Exchequer, as to re-hearing, &c.
See Act 29 July 1853, transferring powers to Court of Common Pleas.

No. 183,
20 October 1846.

Court of Exchequer
to sit once or oftener
in every month for the
purposes of this Act,
&c.
Transferred to Court
of Common Pleas.

Act not to affect
6th William IV.

discharge of such insolvent at such future period, to be calculated with-
out including the time during which such insolvent shall have been out
of custody since the time appointed for his discharge by such former
adjudication as aforesaid.

55. And be it enacted, That it shall be lawful for the Court of
Exchequer to sit once in every month, or oftener if necessary, for the
purposes of this Act, and the said Court, or the Chief Baron thereof,
shall be at liberty to make such rules for regulating the practice of the
said Court, in all matters of insolvency, as to him shall seem meet, not
inconsistent with the provisions of this Act; and the said Court of
Exchequer shall have, exercise, and enjoy such and the same jurisdiction,
power and authority, for bearing and determining all matters of insol-
vency pursuant to the provisions of this Act, as fully and effectually as if
they had arisen within or belonged to the ordinary and original juris-
diction of the said Court of Exchequer.

56. And be it enacted, That nothing in this Act contained shall
extend or be construed to interfere with or affect the provisions of a
certain Act of the Imperial Parliament made and passed in the sixth year
of the reign of his late Majesty King William the Fourth, entitled "An
Act to make provision for the better administration of Justice in
"certain of his Majesty's West India Colonies," or of a certain Act of
this Island made and passed the Twenty-fifth day of January, One
thousand eight hundred and thirty-seven, entitled "An Act to make
"provision for the better administration of Justice in this Island."

57. And be it enacted, That this Act shall commence, and come into
operation on the First day of January, One thousand eight hundred and
forty-seven.

SCHEDULE TO WHICH REFERENCE IS MADE IN THE FOREGOING ACT.

*Form of Order for the attendance of Insolvent Traders (if in custody) before
the Official Assignee.*

To the Keeper of the Common Gaol.

Whereas A. B., now in your custody, is an insolvent trader,—and
whereas I, the undersigned, require the attendance of the said A. B.
before me; these are therefore to desire you to bring the body of the
said A. B. before me at my office in _____ on _____ next, being
the _____ day of _____ instant, at _____ o'clock in the fore-
noon, in order to be examined by me, pursuant to the Act (here insert
title to this Act) now in force, and this shall be your sufficient warrant.

Given under my hand, this _____ day of _____ 184 .
A. B.

Form of Oath to be administered to Insolvent Traders.

I, A. B., do swear solemnly and sincerely (or, in case of a Quaker
or Moravian, truly declare and affirm) that I am unable to meet my
engagements in trade, and that I will deliver up for the use of my
creditors, all property that I have any title to, or claim any interest in,
either in possession, reversion, or remainder; and all claims, rights, and
credits therein or thereto; and I do furthermore swear (or, in case of a
Quaker or Moravian, truly declare and affirm) that I have not at any
time given, sold, conveyed, lessened, or disposed of, for the use or benefit
of myself, or any other person or persons whomsoever, any part of my
money, or any other property, claims, rights, or credits, whereby to
defraud my creditors, or any of them—or to secure the same with a view
or expectation to receive any profit or advantages thereby. So help
me God.

No. 184.

No. 184.
2 February 1847.

2 February 1847.]—An Act to authorize the appointment of a Gauger for the Shipping Place at Reid's Bay, in the parish of St. James.

WHEREAS it is deemed expedient to appoint a gauger for the shipping place at Reid's Bay, in the parish of St. James: Be it therefore enacted, by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-Chief, for the time being, of this Island, to nominate and appoint, from time to time, as occasion shall require, some fit and proper person to be gauger for the shipping place at Reid's Bay, in the parish of St. James; and every person appointed under the authority of this Act as gauger shall be entitled to demand and receive the like fees as gaugers are by law authorized to receive for the gauging of casks.

Preamble.

No. 185.

No. 185.
25 February 1847.

25 February 1847.]—AN ACT to authorize the appointment of Commissioners for taking the acknowledgment and the Probate of Deeds and the Private Examination of Married Women.

WHEREAS by an Act of this Island, bearing date the Twenty-seventh day of September, One thousand six hundred and sixty-one, entitled "An Act concerning the Conveyance of Estates," the acknowledgment and proof of deeds, and the private examination of married women, are required to be had and taken before the resident Governor for the time being, or before some of the Chief Judges for the time being, or some of the Courts of Justice of this Island: And whereas by another Act, bearing date the Twenty-ninth day of January, One thousand eight hundred and forty-one, authorizing the appointment of a Chief Judge for this Island, it is provided that it should and might be lawful for the Governor or Commander-in-Chief of this Island, for the time being, under his hand and seal, to appoint the Chief Judges of the several Courts of Common Pleas, and the Chief Baron of the Exchequer respectively, Commissioners for the acknowledgment and the probate of deeds, and the private examination of femmes covert, in cases where such examination is required by law: And whereas, on the appointment of the present Chief Judge the then Chief Judges of the five Precinct Courts of Common Pleas, and the Chief Baron of the Exchequer, were severally appointed Commissioners of Probates under the authority of the said last-mentioned Act: And whereas four of the said Commissioners have since departed this life, and one of them has removed from the Island, so that there is now only one Commissioner of Probates: Wherefore it is expedient to make provision for giving to the public additional means and facilities in the acknowledgment and proof of deeds, and in the private examination of married women, when such examination is required by law: Be it therefore enacted, by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-Chief of this Island, for the time being, to appoint from time to time, under his hand and seal, any additional number of persons to be Commissioners, not

Preamble.

Governor to appoint not exceeding five Commissioners for taking probate of deeds, &c.

No. 185.
25 February 1847.

exceeding five in number, for taking the acknowledgment and the probate of deeds, and the private examination of married women, in cases where such examination is required by law; and such Commissioners so from time to time to be appointed under the authority of this Act, shall respectively be invested with the same power and authority in this behalf as the Chief Judge appointed under the hereinbefore last-mentioned Act is invested with; and the usual fees payable in respect of acknowledgments, probates, and private examinations shall be taken and retained by them for their respective uses; and such Commissioners are hereby declared to be exempt from serving on juries.

No. 186.
19 May 1847.

No. 186.

19 May 1847.]—AN ACT to remove a doubt which has arisen under an Act of this Island, entitled “An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries.”

Preamble.

WHEREAS by the forty-first clause of an Act of this Island, entitled, “An Act to amend the Representation of the people of this Island, and to declare who shall be liable to serve on Juries,” passed the Sixth day of June, One thousand eight hundred and forty, it is amongst other things enacted, That if any Member of the Assembly shall depart this Island without leave of the Assembly, as therein provided, such Member shall be deemed to have vacated his seat in the General Assembly; and it is provided that the Governor or Commander-in-Chief by and with the advice and consent of the Council, shall, within forty days after such departure, by an address from the General Assembly, issue a new writ for electing another Member, after the manner and method therein prescribed: And whereas by another Act of this Island, passed the eighteenth day of June, One thousand eight hundred and forty-five, entitled, “An Act to amend an Act entitled ‘An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries,’” it is provided that if any Member or Members of the Assembly shall quit the Island without leave of the Assembly, but shall not be absent for a longer period than forty days, such Member or Members shall not be deemed by such absence to have vacated his or their seat or seats in the said General Assembly: And whereas it being provided in and by the said first in part recited Act, that in the case of a vacancy occurring in the said General Assembly by the departure of a Member from this Island without leave, the writ for the election of another Member in his place shall be issued within forty days after the departure of the Member from the Island, a doubt has arisen whether a writ can be issued after the expiration of forty days from the time of the departure of a Member of the Assembly from the Island, although the said herein secondly in part recited Act permits a Member to be absent from the Island for a period of forty days without the leave of the Assembly: And whereas it is expedient to remove such doubt: Be it therefore enacted by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty’s Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same; and it is hereby enacted and declared, That if any Member of the General Assembly shall be absent from the Island without leave for a period of forty days, the writ for the election of another Member in his place shall be issued in the manner prescribed by the hereinbefore firstly in part recited Act, within forty days after the Governor or Commander-in-Chief in Council shall be addressed for the same by the said General Assembly.

Writ to supply the place of a Member absent without leave for forty days, when to be issued.

No. 187.

No. 187.
27 July 1847.

27 July 1847.]—AN ACT to amend an Act of this Island, entitled
“An Act for the Improvement of the City of Bridge-Town, in
“this Island, and for vesting certain Lands, Buildings, and
“Hereditaments in the said City in her Majesty, and for pay-
“ing and securing to the Owners of such Lands, Buildings,
“and Hereditaments, the value thereof, and for other purposes.”

[Clause 1 had its effect.]

WHEREAS by an Act of this Island, passed the Eighth day of August, Preamble.
One thousand eight hundred and forty-five, for the improvement of the
city of Bridge-Town, it is recited that the said city was partially
destroyed by a calamitous fire which happened on the night of the third
of February of that year, and that John Atwood, Surveyor-General, and
Tobias Phillips, another competent surveyor, by power given to them by
the House of Assembly, had surveyed the burnt district and taken a plot
thereof, by which it appeared that the said burnt district extended over
three hundred and forty-one thousand three hundred and fourteen square
feet of land, and that the partially burnt portion of the said city extended
over the additional number of twenty-nine thousand eight hundred and
thirty-one square feet; and further reciting that it was expedient and
necessary to form a practicable system of sewers or drains through such
district, to promote the health and comfort of the inhabitants of the said
city, and to make good and spacious streets, and to provide for the
erection of suitable public buildings, and of houses to be built within a
given time, and according to certain rules and regulations for insuring
security against fire, and for promoting the salubrity and embellishment
of the town: Wherefore it was, amongst other things, enacted, That it
should be lawful for the Governor for the time being, by commission
under the public seal of this Island, to appoint, during pleasure, three
Commissioners for carrying the purposes of this Act into execution, and
to fill up any vacancy which may from time to time occur by death,
removal, or otherwise, in the number of such Commissioners; and the
Commissioners so to be appointed were, amongst other things, required
in and by the said Act, diligently to apply themselves to the planning
and forming a complete system of sewers or drains throughout such
district, and of good and spacious streets: And it was further provided
in and by the said Act that the said Commissioners should give notice,
in the manner herein directed, when and where they would be ready to
treat with the owners of the lands comprised in the said burnt district,
included in such survey as aforesaid, for the purchase of their respective
interests therein, and to require all persons residing in this Island to
give in the particulars thereof within thirty days next after such notice;
and all other persons, residing out of the Island, to give in such par-
ticulars within six months next after such notice: And it was further
provided in and by the said Act, that from and after the expiration of
six months from such notice, all and singular the lands comprised in the
said burnt district and included in the said survey, in respect of which
the particulars of the rights and interests of the persons interested therein
should not have been given in to the said Commissioners pursuant to the
said Act, and all and singular the houses, erections, walls, and ruins
standing thereon, should be and become vested in her Majesty, her heirs
and successors, for the public service, absolutely and for ever exonerated
and discharged of all legal and equitable right and interest of all persons
whomsoever, and in lieu thereof the parties interested were declared to
be entitled to an equivalent in money, to be fixed and ascertained by a
jury in the manner provided in the said Act: And whereas Commis-
sioners were duly appointed pursuant to the directions of the said Act
for carrying out the objects thereof: And whereas the said Commissioners,
on the Fifth day of October, One thousand eight hundred and forty-six,

No 187.
27 July 1847.

made a report of their proceedings to his Excellency the Right Honourable Sir Charles Edward Grey, then Governor and Commander-in-Chief of this Island, in which, amongst other things, they observed that in the original survey made by the said John Atwood and Tobias Phillips, it was stated that the partially burnt portion of the said city extended over the hereinbefore last-mentioned additional number of twenty-nine thousand eight hundred and thirty-one square feet of land, whilst in point of fact the buildings thereon were not injured by the fire, but so situate as to be likely to be required for the accomplishment of any plan which might be determined on for rebuilding and improving the district: And whereas the said Commissioners, in and by their said report, further observed that they had availed themselves of the professional skill and services of Mr. Blaney William Walsh, architect, with the view to a plan for the rebuilding and draining the district, and that he had furnished a design which met their approval and that of his said Excellency the Right Honourable Sir Charles Edward Grey: And whereas the said Commissioners, in and by their said report, further observed, that there were two lots of lands situate, the one in Middle Alley, the other in Warner's Alley, containing respectively nine thousand and seventy-seven square feet, and seven thousand six hundred and thirty-two square feet with buildings thereon, which escaped injury by the fire, but were so situate in the district that it would be difficult, if not impossible, to frame a plan so as to dispense with the necessity of purchasing and removing them; as in the plan of the said Blaney William Walsh, the main street would run nearly through the entire of the buildings on the said two lots of land: And whereas it appears by the said Report of the said Commissioners that in so far as they had carried out the objects of the aforesaid Act in the purchase of lands and premises, there remained in the hands of the Treasurer of this Island the sum of Ten thousand five hundred and forty dollars and fifty-seven cents, in respect of the two grants of Sixty thousand dollars and Ninety thousand dollars, made by the Legislature towards carrying out the objects of the aforesaid Act: And whereas, in and by the aforesaid Act, provision was made for paying to each of the said Commissioners the sum of One thousand dollars for their services for twelve months next after their appointment: And whereas the said twelve months having expired, it becomes necessary to make provision for carrying out the further objects of the aforesaid Act, and to grant to the said Commissioners or such others as shall or may be appointed under this or the Act aforesaid mentioned, a further remuneration for their services for the ensuing year:

Certain lands vested
in her Majesty, re-in-
vested in the owners.

2. And be it further enacted, That all and singular the lands comprised in the aforesaid survey of the said John Atwood and Tobias Phillips, and the house and erections thereon, which by the terms or construction of the aforesaid Act may have become vested, or which may be deemed to have become vested in, her said Majesty, her heirs and successors, but which were not taken into possession or paid for by the Commissioners aforesaid, shall be, and the same are, by the authority of this Act, invested in the respective owners thereof; and all such owners shall from henceforth have, hold, and enjoy the like estate and interest which they had therein before and at the time of the passing of the said Act.

Power to the Com-
missioners to purchase
in Middle Alley and
Warner's Alley.

3. And whereas it appears to be necessary in carrying out the plan of the said Blaney William Walsh, herein before referred to, that the two lots of land in Middle Alley and Warner's Alley, recommended by the said Commissioners to be purchased, should be taken up for the public service: Be it therefore enacted, That the Commissioners appointed or to be appointed, shall have the like power and authority for purchasing the said two lots of land, the one situate in Middle Alley, and the other in Warner's Alley, and containing respectively nine thousand and seventy-seven, and seven thousand six hundred and thirty-two square feet, as the said Commissioners had for purchasing the lands, which by their report they have purchased, coming within the immediate area of the burnt

district; and they shall have, and they have hereby given to them the like power and authority for ascertaining the value thereof, and the like power of granting certificates for payment of the consideration money as by the said Act are given and granted to the said Commissioners.

4. And be it enacted, That the said Commissioners shall, and they are hereby required forthwith to proceed to have the burnt district of the said city of Bridge-Town laid out in a manner and according to the plan of the said Blaney William Walsh, with the exception of the underground sewerage and the construction of a sea-wall, as recommended in the report which accompanied such plan.

Commissioners to have the burnt district laid out as herein -

5. And be it enacted, That the said Commissioners, in the laying out of the said district, shall have power to take down all houses, buildings, erections, walls, and ruins standing thereon, and to sell and dispose of the same, either by public auction or private contract, as shall be best for the public service, and to have the new streets or other portions of the said district which may be thrown open to the public, finished with good and sufficient paved foot-paths and efficient surface drains.

— to take down houses, ruins, &c., in the district, and sell them.

6. And whereas by the twentieth Clause of the hereinbefore mentioned Act power is given to the Commissioners to sell, exchange, or demise the lands of the said district which might become vested in her Majesty: And whereas it is deemed expedient to enlarge the powers of the said Commissioners in respect to any sale, exchange, or demise to be made by them of any of the lands and hereditaments so vested in her said Majesty, under the provisions of the aforesaid Act: Be it enacted, That the said Commissioners shall have, and they have hereby given to them full power and authority to dispose of by public competition any of the lands, with or without the buildings, which have or may become vested in her Majesty under the authority of the aforesaid Act, or of this present Act; but in submitting such lands, with or without the buildings thereon, to public competition, it shall be competent for the said Commissioners, and they are hereby authorized to set up the same, for sale at a certain price to be fixed by them, and to reserve to themselves the power of withdrawing the sale thereof if the upset price cannot be obtained: Provided nevertheless, that the said Commissioners shall give not less than thirty days' notice, by advertisement, to be published in the official Gazette, and in such other manner as they shall think fit, of their intention to sell any such lands or buildings. And in case of any sale, exchange, or demise, it shall be in the power of the said Commissioners to grant such terms as to them may seem fit with respect to the payment of the purchase-money of any lands and hereditaments sold under the authority of this Act, and also, in the case of any demise, to grant terms and to enter into such arrangements for the payment of the rent reserved and the redemption of the same within a specified time, as to the said Commissioners shall seem advantageous for the public interest; and the said Commissioners are hereby authorized to estimate such rent at the rate of five per cent. on the value of the lands demised.

Power of the Commissioners for selling, &c., enlarged.

7. And be it further enacted, That all acts, matters, or things authorized or necessary to be done or executed under the hereinbefore mentioned Act, and also all acts, matters, or things required to be done and executed by the said Commissioners, shall and may be done and executed by any two of them.

Two Commissioners may act.

8. And whereas it is expedient to make provision in cases where any of the lands in the said district shall be disposed of by way of demise, for insuring the erection of proper buildings thereon, within a reasonable time, so as to furnish additional security to the public for payment of the rent reserved: Be it enacted, That the said Commissioners shall require all parties to whom any such demise shall be made, to enter into covenants with her Majesty, her heirs and successors, for the punctual payment of the rent reserved, and the redemption of the same by payment of the value of the demised lands and premises, either by instalments or

Rules to be observed by the Commissioners in leasing lands.

No. 187.
27 July 1847.

otherwise, within a time to be fixed by the said Commissioners, not exceeding fourteen years, as to the said Commissioners shall seem fit; and also for the erection on the demised lands of such buildings, and within such time as the said Commissioners shall stipulate; and in case any of the said covenants shall remain unfulfilled for a period of two months after the time limited by the said Commissioners for the performance of the same, the said Commissioners are hereby directed and required to prefer a complaint to the Police Magistrates of the said city of Bridge-Town, who, on proof thereof, shall eject the lessee or lessees of the demised land and premises, or any person or persons holding under them, and put the said Commissioners in the possession of the said demised land and premises, and the said Commissioners shall thereupon proceed to sell and dispose of the said land and premises by public auction, at a time and place to be fixed by said Commissioners, and of which they shall give not less than thirty days' notice by advertisement, to be published in the official Gazette, and in such other manner as they shall think fit, prior to the day of sale: and as regards the money to arise by any such sale, the same shall be applied in the first place in defraying the costs and expenses incurred by the said Commissioners in and about the proceedings aforesaid, and then in discharge of the sum due to the public of this Island in respect to the said demised land and premises; and the surplus, if any, to be paid to the lessee or lessees of the said land and premises, or other person or persons legally entitled to the same: but if a sufficient sum cannot be realized by the means aforesaid fully to indemnify the public from loss, then and in such case the said Commissioners shall proceed by information in her Majesty's Court of Exchequer of this Island for recovery from such lessee or lessees, or from his, her, or their heirs, executors, or administrators, under the covenants entered into by such lessee or lessees, such sum of money as shall be required to save the public from loss in respect of such demised land and premises: and in all cases the said Commissioners shall forthwith make a report of their proceedings to the Governor or Commander-in-Chief for the information of the Legislature.

A further grant, not exceeding 15,000 dollars, made to enable the Commissioners to carry out the objects of the Act.

9. And whereas it is necessary that a further grant, in addition to the said balance of Ten thousand five hundred and forty dollars and fifty-seven cents, remaining in the hands of the said Treasurer, should be made to enable the said Commissioners to carry out the objects and purposes of the aforesaid Act and of this present Act: Be it enacted, That it shall be lawful for the Governor or Commander-in-Chief for the time being in Council, to issue warrants authorizing the payment of the said balance or sum of Ten thousand five hundred and forty dollars and fifty-seven cents, and also of any further sums not exceeding Fifteen thousand dollars which the said Commissioners shall certify to be due and owing for the purposes aforesaid.

Regulation with regard to the recording title deeds.

10. And whereas the said Commissioners, in and by their said report, observed, that on inspecting the title deeds propounded by parties in support of their claims or counter-claims, they found that many of them had never been recorded in the Secretary's office of this Island, as the law requires; but being unwilling to add to the expense of parties who had been such serious sufferers, they suggested that the deeds relating exclusively to the property purchased should be deposited in the said Secretary's office, with the claims and counter-claims to which they belong; and that in the case of deeds relating to other property included with the purchased premises, when claimed, to be redelivered, the party so claiming them to be at the expense of having them recorded: Be it enacted, That all unrecorded title deeds which relate to property purchased, or to be purchased under the authority of the hereinbefore mentioned Act, and of this present Act, shall be deposited in the Secretary's office of this Island, and may or may not be recorded, as the Commissioners appointed under this Act shall think fit. And in case any person interested in such other property shall require the redelivery

of the deeds relating thereto, such person shall not be entitled to the possession of the said deeds until they shall have been duly recorded in the said office.

No. 187.
27 July 1847.

No. 188.

14 September 1847.]—AN ACT to authorize a deviation from the plan as provided by law for laying-out the Burnt District of the City of Bridge-Town.

No. 188.
14 September 1847.

WHEREAS an Act of this Island was passed on the Twenty-seventh day of July in the present year, entitled "An Act to amend an Act of this Island, entitled, 'An Act for the improvement of the city of Bridge-Town, in this Island, and for vesting certain lands, buildings, and hereditaments in the said city, in her Majesty; and for paying and securing to the owners of such lands, buildings, and hereditaments, 'the value thereof, and for other purposes:'" And whereas it is provided in and by the said Act, that the Commissioners appointed for carrying out the provisions thereof, should proceed to have the said burnt district, of the said city of Bridge-Town, laid out in the manner and according to the plan of Blaney William Walsh (in the said Act particularly referred to), with the exception of the underground sewerage and the construction of a sea wall, as recommended in the report which accompanied said plan: And whereas the Commissioners appointed for carrying out the objects of the aforesaid Acts reported to his Excellency the Governor on the seventeenth day of August in this present year, that their attention having been given to the plan of Mr. Walsh for laying out the burnt district, they were of opinion and would respectfully suggest to his Excellency, that the main street, leading from Upper Broad Street to St. Mary's Chapel, might be advantageously reduced to forty feet instead of the width as at present laid down of sixty feet, and that they would also suggest that the sanction of the Legislature be obtained to enable the Commissioners to make any further trifling alteration, with the sanction of his Excellency, in the general plan of Mr. Walsh, without affecting its principle: And whereas it is expedient to grant to the Commissioners some latitude in carrying out the said plan: Be it therefore enacted, by his Excellency William Reid, esquire, Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the said Commissioners, in the laying-out of the said burnt district of the said city of Bridge-Town, to diminish or increase the width of any one or more of the street or streets laid down in the said plan of the said Blaney William Walsh, in such manner as shall be approved and sanctioned by his Excellency the Governor or the Commander-in-Chief for the time being, and also, with the like approval and sanction, to make such further alterations in the said plan, as may, in the laying out of the said burnt district, be deemed advisable, but so as not to affect the general principle of the said plan, anything in the said herein recited Act contained to the contrary thereof notwithstanding.

Preamble.
See Act 24 December 1851.

The Commissioners, with the Governor's sanction, may deviate from the plan provided for laying out the burnt district.

No. 189.

14 September 1847.]—AN ACT to appropriate the Funds set apart by two certain Acts of this Island, for the erection of a Sessions House; in re-constructing the buildings now used as a Common Gaol into a Court House, and to the erection of a new Prison.

No. 189.
14 September 1847.

WHEREAS, in and by an Act made and passed by the Legislature of this Island, in the sixth year of the reign of her present Majesty Queen

Preamble.

Victoria, entitled, "An Act for Building a Sessions House," it is set forth that, that part of the Town Hall in Bridge-Town, in this Island, which was previously set apart for the meetings of the Legislature, and the holding of the Courts, had been added to the common gaol, for the better accommodation and benefit of the prisoners confined therein, and that a temporary arrangement had been made for the meetings of the Legislature, and the holding of the Courts, in a private building, which had been leased for that purpose, but that such building was not sufficiently commodious, wherefore the Town Hall Committee were in and by the said Act authorized and empowered to purchase lands, and to have a sessions house erected thereon, not exceeding a cost of Ten thousand pounds, current money of this Island: And whereas, in and by another Act made and passed by the Legislature of this Island, in the seventh year of the reign of her said Majesty, entitled, "An Act for granting a further Sum of Money for Building a Sessions House," another sum of money, not exceeding Fourteen thousand pounds, current money of this Island, is granted to the said Town Hall Committee, for carrying out the objects of the hereinbefore first-mentioned Act: And whereas, the said Town Hall Committee, under the authority granted to them by the said hereinbefore first-mentioned Act, have purchased as a site for the erection of a sessions house, a piece or parcel of land, with buildings thereon, called Wakefield; and the said land, buildings, and premises thereunto belonging, have been conveyed to, and stand now vested in, her said Majesty, her heirs and successors, for the use of the public of this Island: And whereas the erection of a sessions house having not yet been commenced on the said land, it is deemed expedient to appropriate the funds provided by the said recited Acts for the building of a sessions house, to the erection of a new prison on a better plan for the maintenance of discipline and to the alteration of the present gaol into a court house, and other apartments adapted to afford suitable accommodation for the meetings of the Legislature, until a sessions house shall be erected: And whereas a Select Committee of the House of Assembly, to whom the subject was referred, having considered the same, on the eleventh day of May in this present year, made their report thereon to the House of Assembly, and have therein recommended that the reconstruction of the gaol into a court house should at once be proceeded with, so as to afford an increased accommodation to the public and the authorities connected with the judicial establishment of the Island: And whereas the said Committee have also recommended that a site for a new prison should be obtained in the vicinity of the police station of district A: And whereas it is expedient that the report of the said Committee should be forthwith carried out, and that no time may be lost in the carrying out the provisions of this Act, it is expedient that a portion of the moneys so granted and set apart for the erection of a sessions house, should be applied in furtherance of the objects contemplated by it:

Town Hall Committee to cause the reconstruction of the building used at the common gaol, into a court house.

1. Be it therefore enacted, by his Excellency William Reid, esquire, Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That when and so soon as such arrangements for the removal of a certain number of the prisoners now confined in the common gaol are completed as shall be deemed expedient, and as will admit of workmen being employed for the purposes aforesaid in the common gaol, the said Town Hall Committee shall proceed by contract or otherwise, as shall seem best to them for the public interest, to cause the buildings to be altered and reconstructed into a court house, and for other the public purposes contemplated by this Act, in such manner, and on such plan as shall be approved by the Governor or Commander-in-Chief for the time being.

Town Hall Committee to select and purchase

2. And be it enacted, That it shall be the duty of the said Town Hall Committee, immediately on the passing of this Act, to select a fit

and proper site for the erection of such prison as aforesaid, with a sufficient quantity of land thereunto attached, and not exceeding in the whole twenty acres, in the vicinity of the police station district A; and the said Town Hall Committee shall have the like power and authority for purchasing the said site and lands thereunto attached, as they had under the aforesaid first-mentioned Act, for the purchase of a site for a sessions house, notwithstanding such provisions are not inserted in this Act; and the selection of the same shall in like manner be subject to the approval and confirmation of the Governor or Commander-in-Chief; and when so selected and approved, the said site and lands shall be purchased by them for the purposes of this Act, and shall be conveyed to her Majesty, her heirs and successors, for the use of the public of this Island.

a site in the vicinity of district A for a prison—

3. And whereas the erection of a new prison on the site aforesaid, renders it necessary to sell and dispose of the premises called Wakefield, so purchased as hereinbefore mentioned: Be it therefore enacted, That it shall be the duty of the said Town Hall Committee, to sell or otherwise dispose of the said land and premises, with the buildings thereon, called Wakefield, in the most advantageous manner for the public interest, either by absolute public or private sale of the whole, or in one or more lot or lots, and to cause good and sufficient deed or deeds of conveyance for the same, to be executed to the purchaser or purchasers thereof: And it shall be also lawful for the said Town Hall Committee, and they are hereby authorized, to grant and convey the said piece or parcel of land and premises called Wakefield, or any portion or portions of the same by way of exchange for, or in part payment for the site and lands so directed to be purchased for the objects contemplated by this Act as aforesaid: And the said Town Hall Committee shall cause all moneys arising either by the sale or exchange of the said land or premises called Wakefield, to be paid into the Public Treasury to the credit of the said sum of Twenty-four Thousand Pounds so granted in and by the said recited Acts, for the erection of a sessions house as aforesaid. Provided always, that no exchange, sale, or alteration of the said land and premises called Wakefield, or of any portion of the same, shall be valid and effectual, unless the Governor or Commander-in-Chief of the Island for the time being, shall be an executing party to the deed of conveyance for the same.

—and dispose of the premises called Wakefield.

4. And be it enacted, That the said Town Hall Committee shall cause to be erected on the site and lands so to be purchased in the vicinity of district A, as aforesaid, a new prison, on such plan as shall be sanctioned and approved by the Governor or Commander-in-Chief for the time being, and to have the erection of the same carried on by contract or otherwise, as shall be approved and sanctioned by the said Governor or Commander-in-Chief.

A new prison to be erected on a plan to be approved by the Governor.

14 September 1847.]—AN ACT to extend the provisions of an Act, entitled “An Act to authorize the removal of Prisoners from the “Common Gaol to the Houses of Correction.”

WHEREAS in and by a certain Act of this Island, made and passed in the sixth year of the reign of her present Majesty Queen Victoria, entitled “An Act to authorize the removal of Prisoners from the common gaol to “the Houses of Correction,” the Governor or Commander-in-Chief for the time being is empowered, when he shall see cause so to do, to issue an order for the removal of so many of the prisoners confined in the common gaol as shall have been convicted of felony, and sentenced to imprisonment, as he may deem proper, to any of the penitentiaries or houses of correction in the rural districts, at which keepers shall be employed:

Preamble.

312 *Removal of Prisoners from Common Gaol to Houses of Correction.*

No. 190.
14 September 1847.

And whereas, it is being in contemplation of the Legislature of this Island to erect a new prison, and to reconstruct the buildings now used as a common gaol into a court house, and other apartments suitable for the assembling of the Legislature; and it being necessary, in order to facilitate such alterations, to remove a certain number of prisoners to such of the penitentiaries and houses of correction in the rural districts, at which keepers are employed, in the mean time, and until the said new prison shall be ready for their reception, it is therefore expedient to extend the provisions of the said recited Act, and to vest in the Governor the like authority over all prisoners now confined in the common gaol, other than such confined for debt:

Prisoners in the common gaol may be removed to the penitentiaries by order of the Governor.

1. Be it enacted by his Excellency William Reid, esquire, Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall and may be lawful for the Governor or Commander-in-Chief for the time being, to issue an order or orders, from time to time, as he shall see fit, to the Inspector-General of Police, directing and authorizing him to remove to any of the penitentiaries or houses of correction in the rural districts, at which keepers are employed, such prisoners as shall be confined in the common gaol (other than persons confined for debt) whose names shall be specified in such order of removal. And each such order of removal shall of itself be a sufficient authority for the removal of the prisoners therein named, and for their detention in the penitentiaries or houses of correction to which they shall therein be directed to be sent, and be in all respects of the like effect and validity as if their original sentence or commitment had been confinement in such penitentiary or house of correction. And it shall be lawful for the Governor or Commander-in-Chief, in ordering such removals, to distribute the prisoners among such penitentiaries or houses of correction as aforesaid, in such manner as shall seem to him best calculated to effect a due classification of the same. And it shall be lawful for the Governor or Commander-in-Chief to exercise a like authority for the removal of such prisoners from any one of such penitentiaries or houses of correction to another, and for their detention therein, or to order their removal back to the common gaol, at any time he shall deem the same necessary and expedient.

Prisoners removed to the penitentiaries subject to the same rules and regulations as in the common gaol, &c.

2. And be it further enacted, That all such prisoners as shall be so removed as aforesaid to any penitentiary or house of correction, shall continue to be subject and liable to the same rules and regulations, for the maintenance of discipline and the carrying out of their sentences, while in such house or houses of correction, as they would have been subject and liable to if they had remained in the common gaol; and all such rules and regulations of the common gaol which would have affected any prisoner removed as aforesaid, if he had remained in the common gaol, shall be in full force and effect with respect to each such prisoner in the house of correction in which he is for the time being confined.

The Governor to give the necessary orders for alterations required in the penitentiaries, for reception of prisoners.

3. And be it further enacted, That it shall be lawful for the Governor or Commander-in-Chief for the time being, and he is hereby respectfully requested to give the necessary orders for making such alterations in any of the said penitentiaries or houses of correction as shall be necessary for the reception and temporary accommodation of those prisoners whom he may order to be removed into them respectively; and he is hereby empowered by warrant or warrants to be issued by him in council, to direct the Treasurer of the Island to pay all such sums of money as shall be necessary for giving effect to the provisions of this Act.

14 September 1847.]—AN ACT to carry out the provisions of an Act, entitled “An Act to provide for the Erection of a Light-house “in this Island,” and also to make provision for the maintenance of the same when erected.

[Clause 7 repealed.]

WHEREAS by an Act passed by the Legislature of this Island, bearing date the Fifth day of August, One thousand eight hundred and thirty-six, provision was made for raising a moiety of the estimated cost of the erection of a light-house on this Island, by a tonnage-duty on vessels arriving hereat; her Majesty’s Government having generously offered to contribute the other moiety: And whereas the sum of Two thousand nine hundred and thirty-seven pounds, eighteen shillings, sterling, was raised under the authority of the said Act, and has been deposited in the Colonial Bank at interest: And whereas no steps have as yet been taken towards the erection of the said light-house, in consequence of no provision having been made for the maintenance of the light, and it is expedient that permanent provision should now be made for the maintenance and support of the said light:

1. Be it enacted by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty’s Corps of Royal Engineers, Companion of the most Honourable Military Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the erection of a light-house on such part of the sea-coast of this Island, as shall be sanctioned by her Majesty’s Government, shall be proceeded with under the authority and direction of the Commissioners mentioned in the aforesaid Act, of the Fifth day of August, One thousand eight hundred and thirty-six, anything in the said recited Act to the contrary notwithstanding.

A light-house to be erected on such part of the sea-coast as shall be sanctioned by the Government.

2. Be it enacted, That the Governor or Commander-in-Chief for the time being is hereby authorized and empowered to appoint from time to time, and during pleasure, one keeper of the said light-house, at the annual salary of one hundred pounds, sterling money, and two assistant keepers, at the annual salary of fifty pounds, sterling money, each; and the said Commissioners are hereby authorized to procure, by contract or otherwise, oil, candles, wicks, materials, utensils, and all such other things as shall be necessary for maintaining the said light in the most efficient manner; and also to provide for the necessary repairs of the light-house, and the lanterns and appurtenances thereof, and for keeping the same at all times in good order and condition, and properly and sufficiently supplied; and also to make and enforce rules and regulations for the proper and orderly lighting and keeping of the said light-house, and to annul, rescind, or alter such rules and regulations; and any three of the said Commissioners shall have power to form a Board to transact business.

Governor to appoint a keeper and two assistant keepers of the light-house at the salaries of 100*l.* and 50*l.* sterling.—Commissioners to provide oil, &c., and make rules and regulations.

3. And be it enacted, That the said Commissioners may, if they think fit, appoint, during pleasure, a clerk, who shall attend the meetings of the said Commissioners, and shall keep a detailed and particular account of the expenses incurred for maintaining the said light-house and light, and shall make a quarterly return of the expenditure attending the same to the Legislature, and shall also keep a book in which shall be written all the official transactions and proceedings of the said Commissioners, and which books shall, at the end of each year, commencing from the close of the first year after the light shall come into operation, be delivered to the Secretary of this Island, for the time being, to be deposited and kept among the public records, and such clerk shall be entitled to receive from the Treasury of this Island, by four equal quarterly payments, on the

Commissioners may appoint a clerk at the salary of 20*l.* sterling.

No. 191.

14 September 1847.

Clerk to lay accounts
before the Legislature.Notice of light-house
to be published.Commissioners to cer-
tify sums required for
maintaining the light-
house, for which war-
rants to be given on
the Treasurer not ex-
ceeding 500*l.* sterling
per annum including
salaries.

warrant of the Governor or Commander-in-Chief for the time being, in Council, an annual salary not exceeding the sum of twenty pounds sterling money.

4. And be it enacted, That the said clerk shall, so soon as the light-house shall be completed, submit an account of the cost and equipment of the same to each branch of the Legislature, made up in sterling money.

5. And be it enacted, That when the said light-house shall be erected and properly lighted, the said Commissioners shall cause notice thereof to be published in the several newspapers of this Island, for the period of three months.

6. And be it enacted, That the said Commissioners shall, from time to time, certify to the Governor or Commander-in-Chief in Council, the sums of money required for maintaining the said light-house and light, and thereupon a warrant shall be issued in the usual manner to the Treasurer of the Island, for paying the same, not exceeding the annual sum of five hundred pounds, sterling money (salaries included), in quarterly payments, and the sums so granted and paid shall be placed to the account of the Mole Head Fund.

'No. 192.

21 October 1847.

No. 192.

21 October 1847.]—AN ACT for establishing a Public Library and Museum in this Island.

Preamble.

WHEREAS a public library containing a collection of books of reference and practical works, with a museum of natural and scientific subjects, and productions of art would be beneficial to the community: And whereas it is expedient that such a library and museum in connexion therewith should be established and maintained under proper regulations: Be it therefore enacted by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That a public library be established and kept in such part and place of the city of Bridge-Town, as shall be fixed on by the Trustees under this Act, with the consent of the Governor; and that a public museum be in like manner established and maintained in the same place, or immediately adjacent thereto, and that for the purposes of such museum the Trustees of the aforesaid library shall be the Trustees also of such museum.

Public Library and
Museum to be
established.Denominated "The
Barbados Library
and Museum," to
whom open, &c.

2. And be it enacted, That the said library and museum shall be denominated "The Barbados Library and Museum," and shall be open and free to all persons residing in Barbados, whether civil or military, or serving in her Majesty's navy; subject, nevertheless, to the rules and regulations to be by the trustees for the time being made, as hereafter provided; and shall consist of such books, prints, maps, and philosophical and other instruments and apparatus, and such natural and scientific subjects and productions of art, as shall from time to time be contributed thereto, by donation, and accepted by the trustees for the time being, or be purchased out of any funds which may be contributed for that purpose by individuals, or appropriated thereto by the Legislature.

The Governor the
patron, the property
vested in trustees.

3. And be it enacted, That the Governor or Commander-in-Chief for the time being shall be the patron of such library and museum, the property whereof shall be vested in the trustees thereof for the time being, and such trustees shall consist of five fit and proper persons, to be nominated by the Governor or Commander-in-Chief for the time being; and in case of the death, resignation, refusal to act, or incapacity of any of the persons appointed as trustees, the Governor or Commander-in-Chief for the time being is hereby authorized to nominate and appoint some other fit and proper person and persons to act as trustee and trustees,

in the room of such trustee or trustees who shall have died, resigned, refused to act, or become incapable of acting in the said trusts.

4. And be it enacted, that the Governor or Commander-in-Chief for the time being, shall have power from time to time to appoint a librarian, who shall also hold the office of curator of the museum, and that the said trustees, or a quorum thereof, shall, with the consent of the Governor or Commander-in-Chief for the time being, have power to make all necessary regulations for the good government, management, arrangement, distribution, preservation, access to, and use of, the said library and museum, and for the occasional temporary loan of books, not being books of reference, therefrom; under such precautions and restrictions as to them shall seem right, and from time to time to alter or annul any such regulations, and make others in lieu thereof.

5. And be it enacted, That this Act shall be deemed and taken to be a public Act, and shall be judicially noticed as such.

No. 192.
21 October 1847.

The Governor to
appoint a librarian,
&c.
Trustees to make
rules, with the
Governor's consent.
See Act 20 April 1853.

No. 193.

27 October 1847.]—AN ACT to repeal so much an Act of this Island, entitled "An Act to establish a Police in Bridge-Town, in the "parish of St. Michael," as requires the Town Clerk to account to the Vestry of the parish; and also to make other provisions for the future appointments of Town Clerks.

[Clauses 1, 2 & 5 had their effect.]

1. Be it enacted, by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same.

3. That whenever the office of Town Clerk shall become vacant by the death, absence from the Island without leave, or by the misconduct, or the incapacity as aforesaid of the present Town Clerk, it shall and may be lawful for the Governor or Commander-in-Chief for the time being, to appoint some fit and proper person to fill the vacancy, and from time to time to fill up in like manner, any other vacancy which may happen by the means aforesaid in the said office of Town Clerk.

4. And be it enacted, That every person to be thereafter appointed Town Clerk shall, before he assumes the duties of his office, enter into bond before the Governor or Commander-in-Chief for the time being in Council, to her Majesty, her heirs and successors, himself in the sum of five hundred pounds current money, and two sureties (to be approved by the said Governor or Commander-in-Chief and Council) in the sum of two hundred and fifty pounds like current money each, and the condition of the said bond shall be, that the said Town Clerk shall account to the Treasurer of the Island for the time being, at the end of every month, for all sums of money that shall come in any way to his hands, or be received by him as such Town Clerk, and for paying the same forthwith to the said Treasurer.

Town Clerk, his ap-
pointment vested in
the Governor, &c.

—To enter into bond
with two sureties as
herein.

No. 194.

18 May 1848.]—AN ACT to dispense with the services of two of the Signal Men heretofore employed at Pilgrim, and to compensate them for the loss of their Situations.

WHEREAS by an Act of this Island passed in the fifth year of the reign of his late Majesty King William the Fourth, entitled, "An Act to reduce "the expenditure of the Island," it was provided that three signal men,

No. 194.
18 May 1848.

Preamble.

No. 194.
18 May 1843.

at the pay of twenty-five pounds current money per annum each, should be employed and kept on duty at Pilgrim: And whereas his Excellency the Governor has been pleased to communicate to the Pilgrim Committee, that the expense of the signal station at Government House seemed to be greater than was necessary, and that the whole of the very easy duty required of the three signal men, might be performed by one of them, and that if it should be determined to discharge two of them, he would recommend that they be allowed half-a-year's pay as a gratuity:

1. Be it therefore enacted by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act it shall be lawful for his Excellency the Governor to dispense with the services of two of the said signal men; and the two men whose services shall be so dispensed with shall, as a compensation for the loss of their situations, be paid out of the Public Treasury, on the warrant of his Excellency the Governor, the sum of twelve pounds ten shillings currency each.

No. 195.
21 August 1843.

No. 195.

21 August 1843.]—AN ACT to provide for the assimilation of the Currency and Moneys of Account of this her Majesty's Island of Barbados, to the Currency and Moneys of Account of the United Kingdom of Great Britain and Ireland.

Preamble.

WHEREAS it is expedient that the currency of the Island of Barbados should be assimilated to the currency of the United Kingdom of Great Britain and Ireland, and that the values of the moneys of account in this Island, and of the moneys of account of the said United Kingdom, should in all cases whatever be assimilated to each other:

1. Be it therefore enacted by his Excellency William Reid, esquire, Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the coming into operation of this Act, the currency of the United Kingdom of Great Britain and Ireland shall be and become, and is hereby declared to be the currency of this her Majesty's ancient colony of Barbados, and that from and after the coming into operation of this Act, all receipts and payments, and all gifts, grants, contracts, bargains, sales, agreements, and stipulations, and all bonds, bills, notes, drafts, acceptances, receipts, acknowledgments, undertakings or securities for money, and all transactions, dealings, matters, and things whatsoever relating to money, or involving or implying the payment of money, or the liability to pay any money, which shall be had, made, done, executed, and entered into in this Island, shall be had, made, done, executed, and entered into, according to such currency of the aforesaid United Kingdom, so becoming the currency of this Island, and not in any other manner than according to such currency of the aforesaid United Kingdom (except as hereinafter is specially provided), and that all such receipts, payments, gifts, grants, contracts, bargains, sales, agreements, stipulations, bonds, bills, notes, drafts, acceptances, acknowledgments, undertakings, securities, transactions, dealings, matter and things, shall be held, deemed, taken, and construed to be had, made, executed, done and entered into according to such currency of the aforesaid United Kingdom, so becoming the currency of this Island; and in reference to money of the value circulating in the said United Kingdom at the time of this Act coming into operation in

All receipts and payments and all money matters of any kind to be made and computed in sterling.

this Island, unless the contrary be proved to have been the intention of the parties concerned.

No. 195.
21 August 1843.

2. And be it enacted, That all gifts, grants, contracts, bargains, sales, agreements, and stipulations, and all bonds, bills of exchange, promissory notes, drafts, acceptances, receipts, acknowledgments, undertakings, and securities for money, and all debts, due or to grow due, under or by virtue of any recognizance, statute, judgment, award, bond, lease, or other speciality, or by virtue of any simple contract, written or parole, and all transactions, dealings, matters and things whatsoever, relating to money, or involving or implying the payment of money, or the liability to pay any money, which shall have been, or shall be acknowledged, confessed, awarded, executed, had, made, done, or entered into at any time before the commencement of this Act, according to, or with reference to the currency of this Island, or as money shall before the commencement of this Act have been valued or named in this Island, shall, from and after the commencement of this Act be construed and carried into effect, and shall be paid, discharged, and satisfied according to the amount thereof respectively in such currency of the aforesaid United Kingdom, so becoming the currency of this Island as aforesaid, in manner following, that is to say that every sum of the currency of this Island then due, or hereafter to grow due, or to be accounted for in any way (as aforesaid) shall be equivalent to, and shall be stated as, and shall be liable to be paid, discharged, satisfied and accounted for at the rate, and in the proportion of one hundred pounds of the currency of the aforesaid United Kingdom for every one hundred and fifty-six pounds of the present currency of this Island.

All bills, debts, &c., to be paid in sterling money at the rate of 156l. currency for every 100l. sterling.

3. And be it enacted, That from and after the commencement of this Act, all taxes, and all rents, and revenues payable to her Majesty, her heirs and successors, and all other public and parochial dues, duties, and revenues whatever payable in this Island, shall cease to be estimated in Barbados currency, and shall be converted into the currency of the said United Kingdom, and shall be estimated, levied, collected, received, accounted for, and paid to or by the Public Treasurer or Officer under whose management such duties shall be collected, accounted for, and paid, in the currency of the said United Kingdom so becoming the currency of this Island, to be calculated after the rate declared in and by the second clause of this Act, and that the public debts and annuities payable by the public, or at the Public Treasury in this Island; and also parochial debts payable to or by parish officers in this Island, shall cease to be estimated in Barbados currency, and shall be converted into the currency of the aforesaid United Kingdom, to be calculated in the manner directed by this Act, and shall be estimated, received, paid, and accounted for according to the amount thereof, in the currency of the said United Kingdom, so becoming the currency of this Island, and all accounts, entries, books, papers, returns, statements, writings, certificates, receipts, and documents whatsoever, relating to the taxes, duties, rents, or revenues, or to any public or parochial debts or annuities, or to any receipts or payments whatever relating to the same, shall be made, kept, and stated in the currency of the United Kingdom, to be calculated as aforesaid, and in no other currency after this Act shall come into operation.

The public as well as parochial receipts and payments to be converted into sterling money, and the public accounts to be kept in that denomination.

4. And be it enacted, That the Public Treasurer shall, and he is hereby required immediately upon and after this Act shall come into operation, to transfer into the public books of accounts, all balances remaining and being in the currency subsisting before the commencement of this Act, converted into the currency of the aforesaid United Kingdom so becoming the currency of this Island as aforesaid.

Public Treasurer to convert his balances into sterling.

5. And be it enacted, That nothing contained in this Act shall be construed to affect or in any manner to take away any franchise, right, benefit, privilege, or advantage resulting from the possession of any lands, tenements, rents, or property of the value mentioned in any Act or

This Act not to affect any rights resulting from the possession of property of a defined value.

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21 August 1848.

All matters arising out of money transactions prior to this Act, to come within its meaning.

All fines and fees of public offices to be converted into and paid in sterling money.

Not to interfere with the circulation of any foreign coins which have been declared current.

Acts of the Legislature of this Island which may be in force at the period of the commencement of this Act.

6. And be it enacted, That all debts, contracts, liabilities, matters, or things relating to money at any time after the commencement of this Act, arising by implication of law out of, or being founded upon any gifts, grants, contracts, bargains, sales, or dealings, matters, or things, made, done, or had prior to the commencement of this Act, shall be had, deemed, and construed to be within the meaning of this Act, as debts, gifts, grants, contracts, liabilities, bargains, sales, or dealings, matters, or things, made or had prior to the commencement of this Act, and shall be construed accordingly.

7. And whereas by various Acts of this Island, the salaries to public officers, the fines imposed on violators of the law, and the fees for the performance of public duties are laid in sterling money, in pounds, shillings, and pence current money; and in dollars and the various portions of dollars as prescribed in such Acts; the better to prevent any misconception as to the amount to be paid or received by the persons interested in the receipt or payment of any such salaries, fines, or fees: Be it enacted, That wherever the amount of such payment is declared to be sterling money, such payment shall be in the currency of the United Kingdom of Great Britain and Ireland, and wherever the same is declared by any Act to be in pounds, shillings, and pence current money of this Island, all such payments shall be calculated in the currency of the said United Kingdom, according to the provision recited in the second clause of this Act, and wherever such payment is directed to be paid in dollars and the parts of dollars, every such payment shall be made and accounted for to the public or any other person interested in the payment or receipt thereof at and after the rate of four shillings and twopence currency of the said United Kingdom for every such dollar.

8. And be it enacted, That nothing in this Act contained shall be construed to interfere with the circulation of any foreign coins, which by her Majesty's proclamation now are or shall hereafter be declared current in this Island, at such values in the currency of the United Kingdom as now are or shall hereafter be fixed by any such proclamation or proclamations.

No. 196.
29 August 1848.

No. 196.

29 August 1848.]—AN ACT to amend an Act, entitled, "An Act to authorize and regulate the Sale of Houses and Lands attached under Executions issuing out of the several Courts of Common Pleas, or the Court of Exchequer, or Court of Chancery of this Island, and to prevent delays in the proceedings under such Executions."

Preamble.

WHEREAS many houses and other property which have been levied on by the Provost-Marshall for the payment of debts have remained unsold for very long periods of time to the injury of creditors, and it is expedient to increase the facilities for the sale of houses and land by the Provost-Marshall:

1. Be it therefore enacted by his Excellency William Reid, esquire, Lieutenant-Colonel in her Majesty's Corps of Royal Engineers, Companion of the most Honourable Military Order of the Bath, Governor and Commander-in-Chief of this Island, Chancellor, Ordinary, and Vice-Admiral of the same, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the Provost-Marshall in executing a conveyance for any land or house levied on and sold for the payment of debts, shall be and he is hereby authorized to execute such a conveyance for the same as the purchaser or purchasers shall require, so that the purchase money be

Provision for payment of debts on property sold by Provost-Marshall, and for security of such portion of

applied in discharge of the debts affecting the property sold, and the debtor or debtors therefrom discharged. And such conveyance shall be either to the purchaser or purchasers thereof, or to any other person or persons whom the purchaser or purchasers shall direct, for securing any money which the purchaser or purchasers may have borrowed from such person or persons to assist in the purchasing the same, or as security by way of mortgage to any creditor or creditors who may be willing to discharge his debtor or debtors, and take the security of the purchaser or purchasers thereof, or otherwise in such manner and form as the purchaser or purchasers shall require, so that the debtor or debtors for whose debt or debts the same shall be sold to satisfy, be discharged from such debt or debts, to the amount of the purchase money of the property sold. Provided that when the purchaser or purchasers shall require any other than the usual conveyance, he or they shall be at the expense of providing the same. And the judgment to be confessed by the purchaser or purchasers of such property as aforesaid, for securing the purchase money thereof, shall be confessed to the Provost-Marshall for the amount remaining due on account of such purchase, and shall be assigned over at the request of the purchaser or purchasers in accordance with the conveyance, and such judgment shall have priority over the purchased premises to any debts of the purchaser or purchasers thereof.

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the purchase-money
as may be borrowed
by the purchaser.

2. And be it further enacted, That with respect to land and houses remaining for sale in the Provost-Marshall's office previously to the Thirty-first day of December, One thousand eight hundred and forty-five, the Provost-Marshall shall proceed forthwith after the passing of this Act to have the same re-appraised, and at the expiration of three months from the passing of this Act, the Provost-Marshall shall proceed to have all other lands and houses which remain for sale in his office at the time of the passing of this Act re-appraised; and after any such lands or houses shall be re-appraised, the Provost-Marshall shall advertise the same for sale afresh at public auction in the official Gazette, and one other public newspaper of this Island; and if there be no official Gazette, then in any two of the public newspapers of the Island, and sell the same for such appraised value if the same can be obtained, and if the same cannot be obtained, then if any offer less than such appraised value be made, the Provost-Marshall shall deal with such offer as is provided by law, when less than the appraised value is bid for property that has remained unsold for three months in the Provost-Marshall's office.

All land and houses
unsold in the Provost-
Marshal's office to be
re-appraised and
advertised afresh for
sale.

3. And be it further enacted, That where any lands or houses after the passing of this Act shall remain unsold in the Provost-Marshall's office of this Island, for three months or upwards from the day such lands or houses shall have been set up for sale, the Provost-Marshall shall at the request of any judgment creditor against the same, cause any such lands or houses to be re-appraised, and advertise the same for sale afresh at public auction in the official Gazette, and another public newspaper of this Island, and if there be no official Gazette, then in any two of the public newspapers of the Island, and sell the same for such appraised value if the same can be obtained, and if the same cannot be obtained, then if any offer less than such appraised value be made, the Provost-Marshall shall deal with such offer as is provided by law where less than the appraised value is bid for property that has remained unsold for three months in the Provost-Marshall's office. Provided always, nevertheless, that no subsequent appraisalment under this clause shall take place until after the expiration of six months from the date of any former appraisalment.

Property remaining
in Provost-Marshall's
office for three months
or upwards to be at
the request of judg-
ment creditors re-
appraised and set up
for sale again.

4. Provided always, and be it further enacted, That after any lands or houses shall have been once appraised, it shall be lawful for the said Provost-Marshall to proceed to a subsequent appraisalment without any writ or writs of appraisements being taken out for that purpose, by summoning the proper persons who are by law authorized to make appraisements of property, and who shall be liable to the like fines and

Power to the Provost-
Marshal to re-appraise
property without a
fresh writ.

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After levy or appraisal-
ment, the Provost-
Marshal to take
possession.

Provost-Marshal to
keep a list of all prop-
erties levied on, and
to allow the property
to be inspected.

Power to the Provost-
Marshal, with consent
of creditors, to rent
properties remaining
unsold for six months.

Provision for renting
property when the
title is doubtful.

Rents of property
levied on, how to be
applied.

Provost-Marshal to
have the same reme-
dies in enforcing
payment of rent or
ejectment as the
owner.

Penalty for obstruc-
tion of Provost-Mar-
shal in his duty under
this Act.

forfeitures for not attending such summons of the Provost-Marshal as if a writ of appraisement had been taken out.

5. And be it further enacted, That after any levy on, or appraisalment of any lands or houses made after the passing of this Act, the Provost-Marshal shall immediately after such levy or appraisalment, take the actual possession of all such lands and houses, and keep possession thereof until the same be sold, or otherwise legally disposed of; and he shall cause tickets or notices to be affixed in some conspicuous place on the outside of all houses, and also on lands under levy and for sale, with the words "For sale, apply at the Provost-Marshal's Office," painted in large legible characters.

6. And be it further enacted, That the Provost-Marshal shall keep constantly in his office a list of all properties which shall have been levied on and offered for sale with the description and appraised value thereof; to which all persons shall have free access during office hours; and any person or persons desirous of inspecting any property under levy, shall be at liberty to do so, on making an application to the Provost-Marshal for the purpose, who is required to allow such inspection.

7. Provided always, nevertheless, and be it further enacted, That when any property shall have remained unsold in the Marshal's office for the space of six months or upwards, after the same shall have been first offered for sale, it shall and may be lawful for the Provost-Marshal, with the consent in writing of the major part in value of the judgment creditors, the aggregate amount of whose debts shall be equal to or greater than the appraised value of such property, or with the consent in writing of the prior creditor whose debt shall be equal to or greater than the appraised value of such property, to rent or lease out such property for any time not exceeding five years at any one time; and the rent of the property so rented or leased shall be applied in the same manner by the Provost-Marshal as the purchase-money of the property would have been applied if such property had been sold.

8. And be it further enacted, That when any title to any property shall be doubtful, and the person or persons offering to purchase the same shall not be compelled to take such title, the Provost-Marshal shall, and he is hereby authorized to deliver possession of such property to the prior creditor or creditors who may be willing to take the same at an annual rental or valuation to be made in like manner as the appraisalment of the property for sale, for such period of time as will discharge the debt of any such prior creditor or creditors.

9. And be it further enacted, Than when any property levied on by the Provost-Marshal shall be leased or rented out, that the Provost-Marshal shall receive the rents, and apply the same towards the payment of the debts affecting the same. Provided that no lease made after the date of any judgment affecting the premises leased shall be valid to bar the proceedings of the Provost-Marshal for the sale of such property in as full and ample a manner as if there had been no such lease.

10. And be it further enacted, That the Provost-Marshal shall have all such remedies by distress, action, or otherwise, for enforcing the payment of rent, and ejecting any tenant or tenants, as the owner or owners, himself or themselves would have had for the recovery of the rent, and obtaining possession of the property, leased or rented out; and the said Provost-Marshal is hereby authorized to retain all necessary expenses to which he shall be put in or about the recovery of such rents and premises.

11. And be it enacted, That any person obstructing the Provost-Marshal in the exercise of his duties under this Act, or the said Act for regulating the sale of houses and lands, shall be deemed guilty of a misdemeanour, and be fined or imprisoned by the Court of Grand Sessions at the discretion of the said Court.

29 August 1848.]—AN ACT to interdict the sale of old Gold, Silver, Iron, Copper, Lead, and other Metals, without a Certificate; and for more effectually preventing the purchase and exportation of stolen articles of the like description.

WHEREAS it is expedient to check the practice at present very prevalent in this Island of stealing old gold, silver, iron, copper, lead, brass, and other metal, and of purchasing such commodities without due precaution to ascertain whether the persons offering the same for sale have lawfully obtained possession thereof: Preamble.

1. Be it therefore enacted, by his Excellency William Reid, esquire, Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person or persons to sell or barter, or to expose or offer for sale or barter, or to have in his, her, or their possession for the purpose of sale or barter, any old gold, silver, iron, copper, lead, brass, or other metal, unless such person or persons shall have a certificate, under the hand of a Police Magistrate or sworn Justice of the Peace of the parish in which he, she, or they shall reside, that he, she, or they is or are, to the best of the knowledge and belief of the party certifying, lawfully entitled to have possession of, or to dispose of such old metal as aforesaid; and all and every person or persons selling or bartering, or exposing or offering for sale or barter, or having in his, her, or their possession, for the purpose of sale or barter, any such old metal, without such certificate as aforesaid, shall be deemed to have come by the same unlawfully, and being convicted thereof before any Police Magistrate, or Justice of the Peace, shall forfeit the same to her Majesty, her heirs and successors, and shall also incur and pay a fine, not exceeding Five Pounds sterling money of Great Britain, or be Imprisoned for any period not exceeding Three Months, at the discretion of the Magistrate: Provided always that it shall be competent for any person so charged before any Police Magistrate, to prove that he or she was lawfully in the possession of such old metal as aforesaid.

Penalty on persons selling old metals without a certificate from a magistrate.

2. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any person whatsoever to purchase, or to obtain by purchase or barter, or otherwise, from any person or persons, any such old metal as aforesaid, unless such person shall produce such certificate as aforesaid; and any person or persons so purchasing, or obtaining by purchase or barter, such old metal, shall, on due proof thereof being made before any Police Magistrate or Justice of the Peace, forfeit such old metal to her Majesty, her heirs and successors, and shall also incur and pay a fine not exceeding Ten Pounds sterling money of Great Britain, or be Imprisoned for any period not exceeding Three Months, at the discretion of the Magistrate.

Penalty on parties purchasing old metals from persons not having such certificate.

3. And be it enacted, That if any police officer or constable shall meet or encounter on any highway or road, or in any street, lane, or alley, or other public place of any town in this Island, any person or persons who shall have in his, her, or their possession, or whom he shall have just cause to suspect of having in his, her, or their possession, any such old metal as aforesaid, it shall and may be lawful for such police officer or constable, and he is hereby authorized and required to demand from him, her, or them, such certificate as aforesaid, and in default of its being produced to apprehend the person or persons so offending against this Act, and take the person or persons so apprehended with the articles aforesaid, to the nearest station-house, and detain such person or persons in custody, until such time as such person or persons can be brought

Persons found in the streets with old metals in their possession without certificate, may be brought up.

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29 August 1848.

Regulations for export
of old metals.

before a Police Magistrate or Justice of the Peace, and the case be heard and determined.

4. And be it enacted, That from and after the passing of this Act, no person or persons shall export from this Island, or lade or put on board any vessel or boat, to be exported as aforesaid, any such old metal as aforesaid, without giving notice in writing of such intended exportation to some principal officer of her Majesty's Customs for this Island, at least forty-eight hours before any such old metal shall be shipped or water-borne, which notice shall be signed by the person or persons intending to ship the same, and shall contain a true and satisfactory description of the old metal so to be shipped, and of the quantity thereof, under the penalty or forfeiture of the sum of One Hundred Pounds sterling money of Great Britain, to be recovered with full costs of suit, by information, or by action of debt in her Majesty's Court of Exchequer for this Island, to be prosecuted or brought by and in the name of the Treasurer of this Island for the time being.

Penalty on fraudulent
shipment of the same.

5. And be it enacted, That if in any such written notice any false account shall be wilfully given of the description or quantity of such old metal so intended to be shipped or waterborne, or if any fraud shall appear to be intended as to the shipping or exporting of such old metal, the person or persons signing such notice, shall be liable to a penalty of One Hundred Pounds sterling money as aforesaid, to be recovered with full costs of suit, by information or by action of debt in her Majesty's Court of Exchequer for this Island, to be brought or prosecuted by and in the name of the Treasurer of this Island for the time being.

6. And be it enacted, That on the entry of every ship or vessel at the Custom-house for the port of Bridge-Town, in this Island, the master or commander of such ship or vessel shall make and subscribe the following declaration before the Collector, or other principal officer of the Customs, that is to say,—

Forms of declarations
to be made at the
Customs on the entry
and clearance of
vessels.

"I, A. B. (master or commander of the ship or vessel called the),
do declare that I will not receive, or suffer to be received, on
board my said vessel during her stay at this Island, any old
gold, silver, iron, copper, lead, or other metals whatsoever,
except by a permit in writing from the Collector, or some
principal officer of the Customs for the port of Bridge-Town,
in this Island."

And on the clearance of every ship or vessel at the said Custom-house, the master or commander of such ship or vessel shall make and subscribe the following declaration, before the said Collector, or other principal officer of the Customs; that is to say,—

"I, A. B. (master or commander of the ship or vessel called the
(), do declare that I have not received, or suffered
to be received, on board my said vessel, during her stay here;
nor do I believe that there is now on board of her, received
since her arrival here, any old gold, silver, iron, copper, lead,
or other metals whatsoever, except such (if any) as have been
duly shipped according to law, and now appearing on the
clearance of my said vessel."

And if any person shall refuse to make and subscribe any such declaration as aforesaid, or shall knowingly make any false declaration, the person so offending shall, on conviction thereof before any Police Magistrate, or Justice of the Peace, forfeit to her Majesty, her heirs and successors, the sum of Fifty Pounds sterling money aforesaid, to be levied and raised, as in the case of servants' wages, one moiety thereof to be to the use of the informer, who is hereby declared to be a competent witness, and the other moiety to be paid into the Public Treasury, for the uses of the Island.

Award of 5*l.* for the
seizure or detection of
old metals about to be
illegally exported.

7. And be it enacted, That if any officer of her Majesty's Customs, police officer, or other person shall seize or detect on shore, or in any vessel or boat, any such old metal which shall have been shipped or

laden, or intended to be shipped or laden, contrary to the intent or meaning of this Act, such officer of her Majesty's Customs, police officer or other person, shall, upon proof thereof before any Police Magistrate, certified under his hand and seal, be entitled to receive such sum of money, not exceeding five pounds sterling money of Great Britain, as the said Police Magistrate, on consideration of all the circumstances, shall think proper to award; and the said Police Magistrate shall notify to the Governor or Commander-in-Chief for the time being, the sum so awarded, and the Governor or Commander-in-Chief is hereby respectfully requested to issue his warrant to the Treasurer of this Island for the payment of the same.

8. And be it enacted, That if any person or persons shall offer for sale or barter any old gold, silver, iron, copper, lead, brass, or other metal, and the person or persons to whom the same shall be so offered shall suspect the same to have been stolen or unlawfully obtained, it shall and may be lawful for such person or persons to whom the same shall be so offered, and such person and persons are hereby required, to detain the person or persons offering for sale or barter any such old gold, silver, iron, copper, lead, brass, or other metal, until a police officer can be procured, and to deliver the person or persons so detained in charge to such police officer, and such police officer shall take such person or persons before the nearest Police Magistrate, who is required to investigate the circumstances; and if the person or persons so in charge shall not satisfy such Police Magistrate that he, she, or they came honestly by such old gold, silver, iron, copper, lead, brass, or other metal, such Police Magistrate shall commit such person or persons to prison, and advertise such old gold, silver, iron, copper, lead, brass, or other metal, in the Official Gazette, with a view to discover the owner or owners thereof; and if within the space of ten days from the detention of the person or persons offering such old gold, silver, iron, copper, lead, brass, or other metal, for sale or barter, the owner or owners thereof shall appear and prove his, her, or their right thereto, then such Police Magistrate shall commit the person or persons so detained to take his, her, or their trial at the ensuing Court of Grand Sessions for larceny; but if the owner or owners shall not appear within the space of ten days as aforesaid, then such old gold, silver, iron, copper, lead, brass, or other metal, shall be forfeited to her Majesty, her heirs and successors, and such Police Magistrate shall sentence the person or persons so in charge for offering any old gold, silver, iron, copper, lead, brass, or other metal, for sale or barter, under such circumstances as aforesaid, to pay a fine not exceeding Five Pounds sterling money of Great Britain, to her Majesty, her heirs and successors, or to Imprisonment for any period not exceeding Three Months, at the discretion of the Magistrate: And the person or persons detaining or causing any such suspected person or persons to be detained as aforesaid, shall be entitled to a reward not exceeding ten pounds sterling money as aforesaid, to be awarded by the Police Magistrate, in every case where such suspected person or persons shall fail to satisfy such Police Magistrate that such person or persons was or were the lawful owner or owners of the property so offered for sale or barter as aforesaid. And the Governor or Commander-in-Chief of the Island for the time being is hereby empowered and respectfully requested to issue his warrant to the Treasurer of the Island for the payment of the sum so awarded.

Proceedings to be had in respect to parties offering for sale old metals suspected to have been stolen.

Reward for detaining such persons.

9. Provided always, and be it enacted, That if the rightful owner of any article, seized under the authority of this Act, shall prove to the satisfaction of the Police Magistrate or Justice of the Peace before whom the same shall be brought, that such article was his or her lawful property, and that the same had been stolen or taken from his or her possession, it shall be lawful for such Police Magistrate or Justice of the Peace to restore the same to such owner, and he is hereby directed and required to restore the same accordingly—anything in this Act contained to the contrary notwithstanding.

Stolen property to be restored to its owner.

No. 197.

29 August 1848.

Half of the penalties under this Act to go to the Crown—the other half to the informer.

Forfeited articles how to be dealt with.

All informations must be laid within twelve months.

Certificates for selling old metals to be granted gratis.

10. And be it enacted, That all penalties imposed by this Act, where the recovery thereof is not otherwise provided, shall be raised as in the case of servants' wages, and be divided as hereinafter set forth, that is to say, one moiety to her Majesty, her heirs and successors, for the use and benefit of the public of this Island, and the other moiety to the informer, who is hereby declared a competent witness.

11. And be it further enacted, That all articles which shall become forfeited, under the provisions of this Act, shall be ordered to be sold by a Police Magistrate, and the proceeds thereof paid into the Public Treasury for the uses of the Island.

12. And be it further enacted, That no plaint, information, or action shall be preferred, commenced, filed, or prosecuted for any offence hereinbefore mentioned, or for the recovery of any penalties incurred under this Act, after the expiration of twelve calendar months after such offence was committed or discovered.

13. Provided also, and be it further enacted, That all Police Magistrates and Justices of the Peace are hereby authorized and required to grant such certificates as are required to be given in the first clause of this Act without demanding any fee for the same.

No. 198.

1 September 1848.

Preamble.

Reprints of all books and Reviews first published in Great Britain may be imported.

No. 198.

1 September 1848.]—AN ACT to authorize the importation into this Island of Books, being Foreign reprints of Books first composed, or written, or printed, or published in the United Kingdom, and in which there shall be Copyright.

WHEREAS by an Act passed in the session of Parliament holden in the fifth and sixth years of her present Majesty, entitled "An Act to amend the "Law of Copyright," it is amongst other things enacted that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written, or printed or published, in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: And whereas by an Act passed in the session of Parliament holden in the eighth and ninth years of the reign of her present Majesty, entitled "An "Act to regulate the Trade of the British Possessions abroad," books wherein the copyright is subsisting, first composed, or written, or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad: And whereas, by an Act passed in the session of Parliament holden in the tenth and eleventh years of her present Majesty, entitled "An Act to amend the Law relating to the Protection in the Colonies of "Works entitled to Copyright in the United Kingdom," it is enacted that in case the Legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to her Majesty, and in case her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for her Majesty, if she think fit so to do, to express her royal approval of such Act or Ordinance, and thereupon to issue an Order in Council, declaring that so long as the provisions of such Act or Ordinance continue in force within such colony, the prohibitions contained in the aforesaid Acts and hereinbefore recited, and any prohibitions contained in the said Acts, or in any other Acts, against the importing, selling,

letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be superseded so far as regards such colony: And whereas it is expedient to permit the importation into this Island of books so prohibited as aforesaid, subject to the restrictions contained in the last aforesaid recited Act, and to the provisions hereinafter contained: Be it enacted by his Excellency William Reid, esq., Lieutenant-Colonel in her Majesty's Royal Engineers, Companion of the most Honourable Military Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the time when this Act shall come into operation, it shall be lawful to import into this Island all books and reviews of whatsoever nature or kind, bound or in covers, from whatsoever country the same shall be imported, being reprints of books or reviews first composed or written, or printed or published in the United Kingdom.

2. And be it enacted, That on the importation into this Island of every reprint of any such book or review as aforesaid, of whatsoever nature or kind the same may be, first composed, written, printed, or published, in the United Kingdom, and protected at the time of such importation by the Acts of the Imperial Parliament to enforce the law of copyright, whether imported from the United States, or from any other foreign country, there shall be paid an *ad valorem* duty on the *bonâ fide* price of such reprints of twenty per cent. Provided always, that before the reprint of any book or reviews as aforesaid, be made liable to such *ad valorem* duty as aforesaid, the said book or review shall have been duly registered according to the provisions of the above-recited Act of the Imperial Parliament passed in the session holden in the fifth and sixth years of her Majesty, entitled, "An Act to amend the Law of Copyright." Provided also that the said duty shall not be paid on newspapers or other periodicals containing only extracts from such books or reviews as aforesaid.

Reprints of books protected by the Copyright Law, to pay a duty of 20 per cent. on their cost.

3. And be it enacted, That the said duty shall be paid to the Treasurer, who is hereby directed, whenever he is required so to do, to report the same to the Governor or Commander-in-Chief for the time being, and the Governor or Commander-in-Chief for the time being is respectfully requested to remit the same to the Commissioners of Customs at London, with a detailed account thereof, at least once a-year, in order that the said duty may be duly paid over to the registered proprietor of the copyright of such books or reviews respectively.

The duty to be remitted home once a year to be paid to the proprietors of the copyrights.

4. And be it enacted, That after this Act shall come into operation, it shall not be lawful for any person to import or bring, or cause to be imported or brought into this Island for use, sale, or hire, any reprint referred to in this Act and hereby made liable to the duty aforesaid, contrary to the true intent and meaning hereof; or knowingly to sell, publish, or expose to sale, or let to hire, or have in his or her possession for use, sale or hire, any such reprint as aforesaid. And every such reprint so imported or brought into this Island, sold, published, exposed to sale or let for hire, shall be forfeited and sold, and one-half of the proceeds of the sale thereof shall be paid to the officer of customs seizing the same, and the other half to the registered proprietor of the copyright of the book or review from which such reprint is made. And every person so offending, being duly convicted thereof, shall for every such offence forfeit and pay the sum of Five Pounds sterling money, and double the value of every copy of such reprint which he or she shall so import or cause to be imported into this Island, or shall knowingly sell, publish, expose to sale, or let to hire, or shall have in his or her possession for sale or hire, contrary to the true intent and meaning of this Act, to be recovered as in the case of servants' wages, one half of such penalty to be paid to the officer seizing, and the remainder

Penalties on illegal importation of reprints.

How to be appropriated.

No. 198.
1 September 1848.

Reprints imported
under this Act to be
stamped.

Suspending clause.

thereof to be paid to the Treasurer of this Island, and remitted to the use of the proprietor of the copyright in the manner hereinbefore provided for.

5. And be it enacted, That at the time of the entry of any reprint of any book or review as aforesaid, it shall be the duty of the officer passing such reprint to stamp the same, and the Collector of Customs of this Island shall furnish to the several officers who may require the same, the necessary stamps for such purpose.

6. And be it enacted, That this Act shall not come into operation until her Majesty's pleasure be known thereon.

[Confirmed.]

No. 199.
20 November 1848.

No. 199.

20 November 1848.]—AN ACT to consolidate and amend the several Laws of this Island relating to the Market of Bridge-Town.

[Clauses 1 & 14 repealed.]

Preamble.
See Acts of
24 December 1857
and 11 September
1863.

WHEREAS it is expedient to consolidate and amend certain laws of this Island relating to the market of Bridge-Town: Be it therefore enacted by his Excellency Sir William Macbean George Colebrook, Knight, Lieutenant-Colonel in her Majesty's Royal Regiment of Artillery, Colonel in the Army, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, &c.

2. And whereas by the first clause of the hereinbefore mentioned Act of the Fourth day of July, One thousand eight hundred and nine, it is provided that three Members of the Council, to be appointed by the Commander-in-Chief of this Island for the time being, and five Members of the General Assembly, to be appointed by the Speaker for the time being, should be Commissioners for carrying the said Act into execution: And whereas it is deemed expedient to place the execution of this Act under the like authority: Be it therefore enacted, That three Members of her Majesty's Council, to be appointed from time to time by the President of the Council, and five Members of the General Assembly, to be appointed from time to time by the Speaker of the said General Assembly, shall be, and they are hereby appointed Commissioners for carrying this Act into execution, and they are hereby invested with all the powers and authorities necessary for that purpose; and they and their successors are hereby authorized and empowered to have, hold, and maintain all and every the lands, buildings, and premises of the said public market for the purposes of this Act.

Three Members of
Council and five
Assemlmen to be
the Market
Commissioners.

Meat, fish, fruit, &c.,
not to be sold in town
without a license.

3. And be it enacted, That it shall not be lawful to expose for sale in any public street, lane, or alley in the city of Bridge-Town, any butchers' meat, fish, poultry, or other live stock, roots, grain, vegetables, or fruit of any kind soever, under a penalty not exceeding Thirty Shillings sterling for every such offence, on conviction thereof before one or more of the Police Magistrates of the said city: Provided always that nothing herein contained shall be construed to prevent any person or persons from carrying any such articles for sale from house to house within the said city, or disposing of the same in any house, agreeably to the laws now or hereafter to be in force relating to butchers and pedlars.

License for butchers
who use the market
only, reduced to 4s. 2d.

4. And whereas by the Act of this Island, made and passed the Twenty-third day of November, One thousand eight hundred and thirty-six, entitled "An Act to regulate the Trade and Business of Butchers, and to check and prevent as much as possible the stealing of Stock," all persons exercising the trade of a butcher are required to pay Fifty Shillings to the Treasurer of the Island annually for a license: And whereas it is deemed expedient in consideration of the tolls exacted from

all persons using the public market (butchers among the number), to reduce the sum required to be paid for a license by butchers killing and slaughtering animals in the slaughter-house of the said public market of Bridge-Town only: Be it enacted, That if any person at the time of applying to the said Treasurer for a license shall represent to the said Treasurer that it is his intention to kill and slaughter animals in the said public market only, then and in such case the said Treasurer shall demand and receive from such person the sum of Four Shillings and Twopence sterling money of Great Britain, and no more, for such license.

5. And whereas due regard for the public health, which might be endangered by the multiplication of private slaughter-houses in the populous city of Bridge-Town, renders it expedient to discourage the slaughtering of animals by butchers in any place in the said city of Bridge-Town other than the said public market, where every provision is made for insuring cleanliness and preventing the accumulation of filth: Be it enacted, That unless with the sanction and approval of the said Commissioners of the Market, it shall not be lawful for any person to kill and slaughter animals at any other place within the limits of the city of Bridge-Town, or within a half-mile of the said limits other than the said market-place, and except on paying into the said Treasury the sum of ten pounds sterling; and on the payment of the said sum, the said Treasurer shall grant to such person a license to kill and slaughter animals for the period of twelve months, at such place as shall be sanctioned and approved by the said Commissioners.

No slaughtering permitted in town, except in the market,

unless with the sanction of the Commissioners, and on payment of 10*l*.

6. And be it enacted, That from and after the passing of this Act, it shall not be lawful for any person, unless furnished with a special license to be granted for that purpose on payment of the said sum of ten pounds sterling money aforesaid, to kill and slaughter animals at any other place within the limits of the city of Bridge-Town aforesaid, than at the place sanctioned and approved by the said Commissioners as aforesaid. And every person offending herein shall forfeit to her Majesty, her heirs and successors, the sum of Twenty-five Pounds sterling money aforesaid, to be recovered as in the case of servants' wages, before any one of the Police Magistrates of the said city of Bridge-Town, one moiety thereof to be to the use of the informer, and the other moiety to be paid into the Public Treasury.

Penalty on slaughtering without a special license at any other than the place sanctioned by the Commissioners.

7. Provided also, and be it enacted, That it shall not be lawful for any person under the authority of a butcher's market license, for which he has paid the sum of four shillings and twopence sterling only, to kill and slaughter animals at any other place within this Island than at the said slaughter-house of the said public market, under a penalty of Five Pounds sterling money for each offence, to be recovered and applied in manner aforesaid. And the Treasurer of the Island at the time of issuing butchers' licenses under the authority of the said Act of the Twenty-third day of November, One thousand eight hundred and thirty-six, and agreeably to the provisions of this present Act, shall set forth in such licenses the sums of money respectively paid for the same, and the force and effect thereof, pursuant to the terms of this Act. And the said Treasurer shall furnish to the Clerk of the Market a list of the names of all persons to whom licenses shall be issued as aforesaid, and the nature thereof.

Penalty on butchers with a market license slaughtering elsewhere than in the market.

List of licenses to be furnished to the Clerk of the Market.

8. And be it enacted, That from and after the passing of this Act, all persons who shall slaughter in the said public market, or shall sell therein any butchers' meat, fresh fish, poultry, roots, vegetables, fruit, or other articles or things, shall pay to the toll-gatherer the rates and tolls set forth in the schedule to this Act annexed: Provided always, that it shall be lawful for the said Commissioners from time to time to alter, vary, or annul the said rates and tolls, or any or all of them, and the same to take effect at the end of six weeks next after publication thereof in the official Gazette of this Island.

Table of dues on slaughtering or selling in the market—

with power to the Commissioners to alter the same.

No. 199.

20 November 1848.

Power to the Commissioners to make market rules.

Penalty for breach thereof.

Present rules continued with reduced penalty.

Nobody to buy and resell in the market without a huckster's license for this special purpose, nor until after 3 o'clock.

Penalty.

Duties of Inspector of Weights, &c., who is to be also Clerk of the Market.

Market hours.

Unwholesome meat or fish—how to be dealt with.

9. And be it enacted, That the said Commissioners shall have, and they have hereby given to them full power and authority to make, from time to time, such rules and regulations for the good government of the said public market as to them shall seem fit and proper, such rules and regulations to be published three times in the official Gazette, and to take effect at the end of fifteen days next after the third publication thereof. And if any person shall violate any of the said rules and regulations, he or she shall, for the violation of each and every of the said rules and regulations, forfeit to her Majesty, her heirs and successors, a sum not exceeding Twenty-five Shillings sterling money aforesaid, to be recovered before any of the Police Magistrates of the said city of Bridge-Town, and levied and raised as in the case of servants' wages, and paid into the Public Treasury for the uses of this Island.

10. And whereas certain rules and regulations for the good government of the said public market have from time to time been made by the Commissioners under the hereinbefore-mentioned Act of the Fourth day of July, One thousand eight hundred and nine, and which said rules and regulations are now in full force, and every person violating the same is subjected to a penalty of Fifty Shillings: Be it enacted, That all such rules and regulations as are now in force shall, notwithstanding the repeal of the hereinbefore recited Acts, be and continue in force until altered or repealed by the Commissioners for the time being charged with the execution of this Act; and every person who shall violate any of the said rules and regulations now in force as aforesaid, shall forfeit to her Majesty, her heirs and successors, a sum not exceeding Twenty-five Shillings sterling money aforesaid, to be recovered, paid, and applied in manner as last aforesaid.

11. And be it enacted, That no person shall be allowed to buy up and resell in the said public market any articles or things whatsoever brought into the said market for sale, unless such person be furnished with the license of a huckster from the Treasurer of the Island, and for which license the sum of four shillings and twopence sterling shall be paid into the Public Treasury by the person obtaining the same. Provided always that it shall not be lawful for any person under any such license as aforesaid, to buy and sell in any other place than in the said public market. And provided also that it shall not be lawful for any person having such license as aforesaid to purchase any articles or things in the said market-place for the purpose of revending the same until after the hour of three o'clock of any day; and if any person shall buy and resell any article or thing in the said market without such license as aforesaid, or shall otherwise offend against any of the other provisions of this clause of the Act, he or she shall forfeit to her Majesty, her heirs and successors, a sum not exceeding Ten Shillings sterling money aforesaid, to be recovered, paid, and applied in manner as last aforesaid.

12. And be it enacted, That the Inspector of Weights and Measures shall be, and he is hereby declared to be the Clerk of the Market, and he and his deputy are hereby enjoined and required to see that proper order and decorum be at all times observed in the said market, and the rules and regulations for the government of the same duly attended to; and the Clerk of the Market shall (except as hereinafter provided) cause the said market to be opened daily at the hour of five o'clock in the morning, and be kept open until the hour of six o'clock in the evening (Sundays, Christmas Day, and Good Friday, and any day set apart for Divine worship by proclamation from the Governor or Commander-in-Chief for the time being, excepted). Provided always that on Saturdays and on the days preceding Christmas Day and Good Friday, and any day set apart for Divine worship as aforesaid, the said market shall be kept open until half-past six o'clock in the evening.

13. And be it enacted, That if any tainted or unwholesome butchers' meat or fish shall be offered for sale in the said public market, it shall be the duty of the said Clerk of the Market or his deputy to seize

and have the same either burnt or taken to sea and sunk: and if any tainted or unwholesome butchers' meat or fish shall be offered for sale in any other place within the limits of Bridge-Town, or within half a mile of the said limits, it shall be the duty of any police officer to seize and take the same to the said Clerk of the Market or his lawful deputy, to be dealt with as herein directed; and if any question shall arise whether the meat or fish so seized is unwholesome or unfit for use, the said Clerk of the Market or his deputy shall call together any three disinterested and competent persons to examine the meat or fish so seized, and to give their opinions thereon. And the said Clerk of the Market or his deputy shall act therein according to the opinion so to be given by the said three persons.

15. And be it enacted, that the Police Magistrates of Bridge-Town are hereby declared to be visitors of the said general public market, and also of the said additional market-place; and they, or some one of them, shall personally visit and inspect the same once in every week, or oftener if occasion shall require, and examine into the state and condition thereof respectively, and see that the rules and regulations for governing the said public market are duly attended to, and they shall also examine into all abuses within the said general public market and the said additional market-place, and report the same to the Governor or Commander-in-Chief, to the end that the same may be redressed.

The Police Magistrates of Bridge-Town to be the visitors of the market.

16. And be it enacted, That the said Commissioners shall from time to time, and as often as may be necessary, appoint a fit and proper person, at such salary as they may deem sufficient, to be collector of tolls under this Act at the said general public market, and the person so to be appointed shall, at the end of every week, or oftener if required so to do by the said Commissioners, account with the Treasurer of the Island for all sums of money received by him under the authority of this Act, and after deducting therefrom any necessary expenses sanctioned by the said Commissioners, pay over the balance thereof to the said Treasurer, to be carried to the credit of the public.

The Commissioners to appoint a collector of market tolls, who is to account to the Treasurer.

17. And be it enacted, That every person appointed collector of tolls shall give good and sufficient security, to be approved by the said Commissioners, for the faithful discharge of the trust reposed in him, and the due accounting for all sums of money received by him.

The collector is to give security.

18. And be it enacted, That the said Commissioners shall from time to time inspect and examine the buildings and premises of the said general public market, and also of the aforesaid additional market-place, and have all necessary repairs made thereto, and all requisite articles and things duly supplied and furnished for the use of the said general public market and the said additional market-place.

Commissioners to inspect the market and have it repaired.

19. And be it enacted, That the said Commissioners shall be allowed a clerk to attend them at their respective meetings, to take and keep the minutes of their proceedings; and such clerk shall be paid a salary of twelve pounds sterling per annum.

Commissioners to have a clerk at 12l. sterling per annum.

20. And be it enacted, That the said Commissioners shall from time to time certify to the Governor or Commander-in-Chief in Council the sums of money due for salaries to their clerk and to the collector of tolls, and also the sums due, and to whom, for repairs or for articles or things supplied and furnished as aforesaid. And the Governor or Commander-in-Chief in Council is hereby respectfully requested to issue warrants to the Treasurer of the Island, authorizing him to pay out of any of the public moneys in his hands the sums so certified to be due.

Moneys required for salaries and repairs, &c., to be paid by warrant of the Governor in Council, and on certificate of the Commissioners.

21. And whereas by the Act of this Island passed the Sixth day of May, One thousand eight hundred and forty-six, authorizing the appointment of a Deputy Inspector of Weights and Measures, and Deputy Clerk of the Market, at a salary of thirty pounds sterling per annum, the Treasurer of the Island is authorized to pay such salary by four even quarterly payments by an order from a Board of the Market Commissioners: And whereas it is expedient to have such salary paid monthly

The salary of Deputy Clerk of the Market to be paid monthly on warrant.

330 *Authorizing the Apprehension of Offenders escaped from Venezuela.*

No. 199.
20 November 1848.

Five of the Commissioners to be a quorum.

and as hereinafter provided: Be it therefore enacted, That from and after the passing of this Act, the salary of the said Deputy Inspector of Weights and Measures and Deputy Clerk of the Market instead of being paid quarterly, be paid in equal proportions at the end of every month, upon the warrant of the Governor or Commander-in-Chief for the time being in Council, and not by the order of the said Commissioners.

22. Provided always and be it enacted, That all acts, matters, and things required and authorized to be done by the aforesaid Commissioners under this Act, or any other Act in relation to the said public markets, shall and may be done and performed by any five of the said Commissioners.

Schedule.

SCHEDULE OF TOLLS TO BE TAKEN AND RECEIVED AT THE MARKET PLACE.

Killing and slaughtering animals in the slaughter-house, and for selling the meat thereof within the market :—

	s.	d.
For each head of horned cattle	1	0
For each calf, sheep, goat, or hog	0	3
Meats brought into the market for sale :—		
For every quarter or part of a quarter of horned cattle	0	2
For every quarter or part of a quarter of calves, sheep, goat, or hogs	0	1
Fresh fish, poultry, roots, vegetables, fruit, or other articles or things brought into the market for sale :—		
For each basket or other package if brought in by one person only	0	1½
If brought in by more than one person, for each person	0	1½
If brought in by a waggon	1	0
If brought in by a cart drawn by cattle, horses, or mules	0	8
If by a donkey cart	0	3

No. 200.
1 December 1848.

No. 200.

1 December 1848.]—AN ACT to authorize the sittings of the Courts, being held at the Buildings heretofore called the Town Hall.

As soon as the Courts shall have removed to the buildings in the Town-hall (recently used as a gaol), all matters and things done by them there, shall be valid.

BE it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Lieutenant-Colonel in her Majesty's Royal Regiment of Artillery, Colonel in the Army, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That when and so soon as the said buildings shall be completed, the holding of the several Courts of this Island shall be removed thereto and held therein, all such acts, matters, and things, which may be had, done, and transacted therein by the several Courts and their respective officers, shall be valid and effectual to all intents and purposes whatsoever, in as full and ample a manner as if such meetings and sittings had never been removed or held elsewhere.

No. 201.
1 December 1848.

No. 201.

1 December 1848.]—AN ACT to authorize the apprehension of certain Offenders escaping to this Island, from any place within the territory or dominions of the Republic of Venezuela, in order that such Offenders may be delivered up to justice.

Preamble.

WHEREAS persons who have committed crimes without the territory or dominions of the republic of Venezuela may escape to this Island, and it is expedient to provide for the apprehension of certain of such offenders in order that they may be sent back to the territory or place where such crimes may have been committed, there to be dealt with according to law :

1. Be it therefore enacted, by his Excellency Sir William Macbean George Colebrooke, Knight, Lieutenant-Colonel in her Majesty's Royal

Regiment of Artillery, Colonel in the Army, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That in case requisition shall at any time be made by the government of the said republic of Venezuela, to deliver up to justice any person who, being charged with the crime of murder, or of an attempt to commit murder, or of arson, or of rape, or of piracy, or of robbery, or of forgery, or to the utterance of any forged security for money, committed within the jurisdiction of the said republic of Venezuela, shall be found within this Island, it shall be lawful for the Governor or Commander-in-Chief for the time being of this Island if he shall see fit, but not otherwise, by warrant under his hand and seal, to signify that such requisition has been so made, and to require all Justices of the Peace, Police Magistrates, and other officers of justice within this Island, to govern themselves accordingly, and to aid in apprehending the person so accused, and committing such person to the common gaol, for the purpose of being delivered up to justice; and thereupon it shall be lawful for any Justice of the Peace or Police Magistrate within this Island, to examine upon oath any person or persons touching the truth of such charges, and upon such evidence as, according to the laws in force in this Island, would justify the apprehension and committal for trial of the person so charged, if the crime or offence with which such person shall be so charged had been committed within this Island, to issue his warrant for the apprehension of such person, and also to commit such person to gaol, there to remain until delivered, pursuant to such requisition as aforesaid.

Any person charged with crime in Venezuela may upon requisition from that State, be apprehended and put in gaol;

and after examination by a Magistrate he may be detained.

2. Provided always, and be it enacted, That in every such case, copies of the deposition or depositions upon which the original warrant for the apprehension of the offender issued by the Magistrate or other authority in Venezuela was granted, certified under the hand and seal of office of the officer of the said republic making such requisition as may be received in evidence of the criminality of the person so apprehended.

Copies of depositions to be evidence of his criminality.

3. And be it enacted, That upon the certificate of such Justice of the Peace or Police Magistrate, that such offender has been so committed to gaol, it shall be lawful for the Governor or Commander-in-Chief for the time being of this Island, by warrant under his hand and seal, to order the person so committed to be delivered to such person or persons as shall be authorized by any warrant under the hand of the officer of the said republic, making such requisition, as aforesaid, to receive the person so committed, and to convey such person to the place where the crime or offence with which such person is charged was committed, there to be tried for such crime or offence, and such person shall be delivered up accordingly; and it shall be lawful for the person or persons authorized as aforesaid to hold such person in custody, and take such person to the place where such crime or offence was committed: and if the person so accused shall escape out of any custody to which such person shall be committed, or to which such person shall be delivered, as aforesaid, it shall be lawful to retake such person in the same manner as any person accused of any felony committed within this Island may be retaken upon an escape.

Course to be pursued in delivering the offender over to be taken to Venezuela.

4. And be it enacted, That where any person who shall have been committed under the authority of this Act to remain until delivered up pursuant to requisition as aforesaid, shall not be delivered up pursuant thereto and conveyed out of this Island within three calendar months after such committal, it shall in every such case be lawful for the Chief Judge of this Island, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Attorney-General, to order the person so committed to be discharged out of custody, unless sufficient cause shall be shown to the said Chief Judge why such discharge ought not to be ordered.

But unless so delivered over within three months, he may be discharged, unless sufficient cause be shown to the contrary.

332 *Amending Act to prevent holding Elections in Parish Churches.*

No. 201.

1 December 1848.

This Act to take effect as soon as it shall be declared that the Venezuela republic had made a similar law.

5. And be it enacted, That this Act shall commence and take effect when and so soon as the Governor or Commander-in-Chief of this Island for the time being, shall, by proclamation under his hand and the public seal of this Island, declare and proclaim that the Legislature of the said republic of Venezuela hath made sufficient provision by law for the apprehension of offenders escaping to any place within the territory or dominions of the said republic, who may be charged with having committed within this Island any of the crimes or offences hereinbefore mentioned.

No. 202.

22 December 1848.

No. 202.

22 December 1848.]—AN ACT to alter and amend an Act of this Island, entitled "An Act to prevent the holding of Elections in the Parish Churches, and to alter the mode of giving Notices therein during Divine Service."

Preamble.

WHEREAS by the second Clause of an Act of this Island, passed the Thirteenth day of March, One thousand eight hundred and thirty-eight, entitled "An Act to prevent the holding of Elections in the Parish Churches, and to alter the mode of giving notices therein during Divine Service," it is provided that elections for the parish of Saint Michael shall be held in the Town-hall in Bridge-Town: And whereas the Town-hall is at present under the same roof with the common gaol, and it is possible that the discipline and the safe custody of the prisoners might be endangered if the elections were held in the Town-hall, as directed in and by the said Act, it is therefore expedient to provide for the holding of the elections of the city of Bridge-Town and parish of St. Michael at some other place, so long as any portion of the buildings of which the Town-hall forms a part shall be used as a public prison:

Repeals clause of Act of 13 March 1838, directing the elections of St. Michael to be held in the Town-hall.

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, so much of the second clause of the said Act as authorizes such elections for the parish of St. Michael to be held at the Town-hall in Bridge-Town, shall be and the same is hereby repealed.

The Churchwarden to provide a place for the purpose at the expense of the parish, and to give notice thereof.

2. And be it enacted, That in future all elections of members to serve in the General Assembly for the parish of St. Michael and for the city of Bridge-Town, and all elections of members to serve in the vestry for the said parish of Saint Michael, shall be held in such convenient place within the city, or in the parish and city respectively, as shall be provided by the Parochial Treasurer for the time being of the said parish, and in case there shall not be any proper public building or buildings suitable for holding the elections, the said Parochial Treasurer shall be and he is hereby authorized to hire a convenient house or houses for the purposes aforesaid, and to charge the cost thereof to the parish. And the said Parochial Treasurer shall, twenty days at the least before the holding of an election, give notice of the place appointed for that purpose, in the manner in the said Act provided in the case of the other parishes. And any Parochial Treasurer neglecting his duty therein, shall incur and be subject and liable to the like penalty, to be applied to the like uses, as mentioned in the said Act with respect to any other Parochial Treasurer for neglect of duty in the particulars aforesaid.

No. 203.

No. 203.
21 August 1849.

21 August 1849.]—AN ACT to provide against Obstructions and Accidents on the Highways, and to regulate the driving of Vehicles thereon.

WHEREAS in the Act of this Island for amending and consolidating the laws relating to the highways which hath lately expired, certain rules and regulations were established to provide against obstructions and accidents happening on the highways, and to regulate the driving of vehicles thereon: And whereas it is deemed expedient to make such rules and regulations the subject of a separate enactment: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That if any person shall encroach upon any highway by means of any building, enclosure, hedge, fence, or in any other manner, such person shall incur a penalty not exceeding the sum of Two Pounds, and if the encroachment be not removed within twenty-four hours after notice thereof, from any Commissioner, Superintendent, or other person entrusted with the care, maintenance, or repair of the roads of the parish, or from any person acting under their authority, the same shall be removed at the cost of the offender, to be recovered as penalties under this Act.

Preamble.

Penalty on persons encroaching on a highway, and encroachment to be removed after 24 hours' notice at the cost of the offender.

2. And be it enacted, That if any person shall wilfully place timber, stone, trash, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon any highway, the person so offending shall incur a penalty not exceeding Two Pounds; and it shall be lawful for the Commissioners, Superintendent, or other person entrusted with the care of the roads of the parish, to cause the said highway to be cleared, by removing or disposing of such matter or thing, and to apply the proceeds thereof, first in defraying the cost of such removal, and to pay the residue into the Public Treasury for the use of the parish: Provided, nevertheless, that if such timber, stone, trash, manure, soil, ashes, rubbish, or other matter or thing as aforesaid, shall not sell for a sufficient sum to defray the expenses of removing them, the person who deposited or caused the same to be deposited on the said highway, shall pay to such Commissioner, Superintendent, or other person entrusted with the care, maintenance, or repair of the roads, such sum of money as shall have been necessarily expended in the removal thereof, and in default of payment the same shall be recovered as a penalty under this Act. Provided always, that where it shall be made to appear to the satisfaction of the Police Magistrate hearing the complaint, that the local situation of the lands adjoining any highway occasioned the temporary depositing thereon of such trash, manure, soil, ashes, or other matter or thing, intended to be applied to such lands, or that bad weather or other reasonable cause had interposed to prevent the removal of any such matter or thing aforesaid, the party so depositing the same shall not be subject to the penalty aforesaid, nor shall such articles or things be forfeited, provided they do not remain on such highway after sunset of any day: Provided always, that nothing in this clause contained shall extend to prevent stones or other materials being placed on the highway for the repair of the same.

Penalty on any person placing rubbish or other matter on the roads.

How to be cleared away, and the expense of doing so defrayed.

Not to extend to materials for repair of the roads.

3. And be it enacted, That nothing herein contained shall be construed to prevent persons building or repairing any building of whatever description in any town of this Island from erecting such scaffolding, or collecting such materials as may be necessary in the course of such building or repairing, although the same should encroach on any public street or highway: Provided the same be done with the

Permission under certain provisions for the erection of scaffolding or the collection of materials for building.

No. 203.

21 August 1849.

No steam-engine unless screened, nor windmills, nor ditches or pits to be allowed within a certain distance of the highway.

Provisions in reference to pits already made,

and steam-engines already erected.

All wells open to the roads to be enclosed under a penalty.

Penalty on hanging out clothes or spreading them on the ground near the road, or hanging them outside a house in town, or playing on the pump, within twenty-five yards of the road; except it be in-doors.

knowledge and concurrence of any Commissioner or other person entrusted with the care, maintenance, or repair of the highways for the parish in which such town is situated, and that no more of the public highway be encroached upon, nor the encroachment continued longer than is unavoidably necessary to such building or repairs; and provided also that all due care be taken to guard the public against danger, in respect of such scaffolding or collection of materials.

4. And be it enacted, That from and after the passing of this Act, no steam-engine or other like machine, or any windmill shall be erected within fifty yards of any highway, unless such engine or other like machine be within a house, or sufficiently screened by a wall or barrier, so that the same may not be dangerous to passengers, horses or cattle; nor shall it be lawful for any person to make a ditch or pit upon or within ten feet of any highway; and in case any person shall offend herein, every such person shall forfeit and pay a sum not exceeding One Pound for each and every day such steam-engine, or other like machine, windmill, ditch, or pit, shall be permitted to continue contrary to the provisions of this clause; and where any person shall have made a ditch or pit, prior to the passing of this Act, within ten feet of any highway, such person shall within thirty days after receiving notice thereof from the Commissioner or chief person entrusted with the care, maintenance, or repair of the roads of the parish, either cause the same to be filled up, or have a wall or other substantial barrier erected between the same and the highway, so as to prevent accidents happening to passengers, and in default thereof such person shall forfeit and pay a sum not exceeding One Pound for each and every day such ditch or pit shall be permitted to continue without being filled up, or without such barrier as aforesaid. Provided always, that it shall be lawful for the said Commissioner or chief person entrusted with the care, maintenance, or repair of the roads of the parish, to permit the erection of windmills within a shorter distance than fifty yards of any highway, where the local position shall render a shorter distance indispensable, and where the same may be done without detriment to the public. Provided that nothing herein contained shall be construed to restrain any person from using, repairing, rebuilding, or enlarging any steam-engine, or other like machine, or any windmill which may have been erected and in existence at the passing of this Act.

5. And be it enacted, That if any well shall at the time of the passing of this Act be within thirty feet of any highway, not separated therefrom by a hedge or other fence, the owner or occupier of the land in which the same may be, shall, within thirty days after the passing of this Act, have a wall or other substantial enclosure erected around the same, not less than four feet high, so as to prevent accidents happening to passengers. And if the owner or occupier of land adjoining a highway shall after the passing of this Act, sink a well therein, and not separated therefrom as aforesaid, within thirty feet of the highway, such owner or occupier shall have a wall or other substantial enclosure erected round the same four feet high. And any person failing to comply with the provisions of this clause shall, after receiving seven days' notice from a Commissioner, Superintendent, or other person entrusted with the care, maintenance, or repair of the roads of the parish, incur a penalty of Two Shillings and Sixpence for each day after the expiration of such notice, that any such well shall remain unenclosed as aforesaid.

6. And be it enacted, That if any person shall put or place any clothes, linen, or cloth, upon any wall, hedge, fence, or paling adjoining any highway, or shall place or spread the same on the ground within ten yards of any such highway, or shall wash any clothes or other matter upon any highway, or shall put up, place, or affix any clothes, cloth, or merchandize of any sort, on the outside of any building within any of the towns of this Island, or of any balcony, gallery, doors, or windows of any such house or building; or if any person shall be

found performing upon any instrument called the pump, or upon any other loud musical instrument within twenty-five yards of any highway (except being within a dwelling-house or enclosure), such person shall, for each and every such offence, forfeit and pay a sum not exceeding Five Shillings.

7. And be it enacted, That if any horse, mule, or ass, sheep, goat, swine, or other beast or cattle of any kind, shall at any time be found straying, lying, or being depastured on any highway, or on the sides thereof, any police officer or other person is hereby authorized to seize and impound every such horse, mule, ass, sheep, goat, swine, or other beast or cattle in the common pound (if any) of the parish or district where the same shall be found, or in such other place as the Police Magistrate or Commissioner of Roads of the parish shall provide for that purpose, and the said horse, mule, ass, sheep, goat, swine, or other beast or cattle there to detain until the owner thereof shall for every such horse, mule, ass, or other beast or cattle so impounded, pay the sum of Two Shillings; and for every sheep, goat, or swine, the sum of One Shilling, together with the amount of any damage done, and the reasonable charges and expenses for impounding and keeping the same, to the Police Magistrate of the parish, to be by him paid into the Public Treasury for the use of the parish. And in case the said penalty, damages, charges, and expenses, shall not be paid within seven days after such impounding (notice thereof being first given to the owner, if known), it shall be lawful for the said Police Magistrate to order every such horse, mule, ass, sheep, goat, swine, or other beast or cattle to be sold, and the money arising from such sale, after deducting such penalty, damages, charges, and expenses of impounding, keeping, and selling any such horse, mule, ass, sheep, goat, swine, or other beast or cattle, shall be paid to the owner, if known; but in case the owner shall not be known, and no application shall be made for the money arising from such sale within one calendar month after such sale shall have taken place, the same shall be paid into the Public Treasury for the use of the parish. Provided always, that if it shall appear to the satisfaction of the Police Magistrate that any such horse, mule ass, sheep, goat, swine or other cattle so impounded escaped from any enclosure by the gate or fence thereof having been wilfully or negligently left open or destroyed by any person not being the owner of such enclosure, nor employed by such owner, or that it arose from mere accident and was not wilful, then and in such case the Police Magistrate may remit the penalty. And provided also, that no owner of any horse, mule, ass, sheep, goat, swine, or other beast or cattle impounded as aforesaid, shall in any case pay more than the sum of Fifteen Shillings over and above the damages, charges, and expenses of impounding and keeping the same, for any number of horses, mules, asses, sheep, goats, swine, or other beast or cattle impounded at any one time. And provided always, that if any horse, mule or ass, sheep, goat, swine, or other beast or cattle as aforesaid, shall at any time be found straying, lying, or being depastured on any highway or on the sides thereof, and the same cannot be seized and impounded as aforesaid, it shall be lawful for any police officer or other person to prefer a complaint against the owner thereof (if known) to the Police Magistrate of the parish in which the animal or animals was or were found straying, lying, or being depastured, and such owner shall on conviction be subject and liable to the like penalties, damages, and expenses, as if such horse, mule, ass, sheep, goat, swine, or other beast or cattle had been actually seized and impounded.

Beasts or cattle straying on the roads to be impounded: and how to be dealt with.

But if the beasts or cattle cannot be seized, complaint to be preferred against the owner of them.

8. And be it enacted, That in case any person shall release or attempt to release any horse, mule, ass, sheep, goat, swine, or other beast or cattle which shall be impounded under the authority of this Act from the pound or place where the same shall be impounded, or in the way to or from any such pound or place, or shall pull down, damage, or destroy the pound or place, or any part thereof, or any lock or bolt belonging

Penalty on persons opposing the execution of the law in regard to impounding beasts or cattle.

thereto, or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any distress or levy which shall be made under the authority of this Act, until or before such horse, mule, ass, sheep, goat, swine, or other beast or cattle seized or so impounded, or such distress or levy so made shall be discharged by due course of law, every person so offending shall forfeit and pay a sum not exceeding Five Pounds at the discretion of the Police Magistrate before whom the offender shall be convicted, and in default of payment the offender shall be committed by such Police Magistrate, by warrant under his hand and seal, to the common gaol of this Island, or to any house of correction in the parish or district where the offence shall have been committed, there to be confined, with or without hard labour, at the discretion of the said Police Magistrate, for any time not exceeding Two Calendar Months.

Penalty on owners or occupiers of land neglecting to prune the trees and hedges overhanging the road.

Cocoa-nut trees overhanging the road to be cut down.
See Act of 24 February 1864, clause 21.

Penalty on drivers of waggons and carts riding thereon, or persons sitting on the tongue of a waggon or the shafts of a cart, and on the driver of any carriage damaging person or property on the road, or quitting his horses, or leaving his carriage so as to obstruct the highway;

9. And be it enacted, That the owner or occupier of lands next adjoining any highway shall plash, cut, or prune all trees and hedges which shall overhang such highway to the obstruction of passengers when thereto required by the Commissioners or Superintendent or other person entrusted with the care, maintenance, or repair of the roads, or by any person acting under their authority; and every person who shall neglect to do so within ten days after being thereto required as aforesaid, shall, for each day after such notice, forfeit the sum of Five Shillings for such time as such trees or hedges shall remain unplashed, uncut, or unpruned; and when any cocoa-nut tree shall overhang a public road or street, so that the falling of the cocoa-nuts therefrom may endanger the safety of passengers, it shall be lawful for the Commissioners or chief person entrusted with the care, maintenance, or repair of the roads of the parish, to have the same cut down, making compensation to the owner for the loss thereby occasioned.

10. And be it enacted, That if the driver of any waggon, cart, or other carriage of burthen, shall ride upon any such carriage, or upon any horse, mule, or ass, drawing the same on any highway, not having some other person on foot or on horseback to guide the same (such carts and waggons as are usually driven with reins, and are conducted by some person holding the reins of the horse or horses, mule or mules, or ass or asses, not being more than three, and the same driven abreast, drawing the same with efficient harness excepted), or if any person shall sit on the tongue of any waggon, or on the shaft of any cart whilst such waggon or cart is proceeding along any highway, or if the driver of any carriage whatsoever on any highway shall, by any negligence or wilful misbehaviour, cause any hurt or damage to any person, horse, cattle, or animal, or to any carriage, or goods conveyed in any carriage, or otherwise passing or being upon such highway, or shall quit the same, and negligently or wilfully be at such distance from such carriage, or in such situation whilst it shall be passing upon such highway that he cannot have the direction and government of the horses or cattle drawing the same, or shall leave any cart or carriage on such highway, so as to obstruct the passage thereof; or if any person driving any waggon, cart, or other carriage whatsoever, or any horses, mules, or other beast of draught or burthen, meeting any other person or waggon, cart, or other carriage or horses, mules, or other beast of burthen, shall not keep the same on the left or near side of the highway; or if any person shall in any manner wilfully prevent any other person from passing him, or any waggon, cart, or other carriage, or horses, mules, or other beast of burthen, under his care upon such highway, or by negligence or misbehaviour, prevent, hinder, or interrupt the free passage of any person, waggon, cart, or other carriage, or horses, mules, or other beast of burthen, on any highway; or shall not keep his person or waggon, cart or other carriage, or horses, mules, or other beast of burthen, on the left or near side of the highway, for the purpose of allowing such passage to take place on the right or off side; or if any person driving any waggon, cart, or vehicle of

and on any person

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burthen, shall wilfully put the horses, mules, or other beasts of burthen, drawing the same beyond a walk; or if any person riding any horse or beast, or driving any sort of carriage or vehicle of pleasure, shall ride or drive the same furiously, so as to endanger the life or limb of any passenger, or shall pass or turn any such horse, beast, carriage, or vehicle of pleasure, round the angle of any highway, or shall cross any highway at a rapid or dangerous pace; or if any person in charge of any waggon, cart, or other vehicle of burthen, shall load the same in such a manner as to threaten or endanger the safety of any person travelling on any highway, every person so offending in any of the cases aforesaid, and being convicted of any such offence, either by his own confession, the view of a Justice of the Peace or Police Magistrate, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace or Police Magistrate, shall, in addition to any civil action to which he may make himself liable, for every such offence, forfeit and pay a sum not exceeding Two Pounds, and in default of payment, be committed to the common gaol or house of correction, there to be kept with or without hard labour, for any time not exceeding One Month, unless such forfeiture shall be sooner paid; and every such person offending in either of the said cases, shall and may, by the authority of this Act, with or without any warrant, be apprehended by any police officer or other person who shall see such offence committed, and shall be conveyed before any Justice of the Peace or Police Magistrate, to be dealt with according to law; and if any such person shall refuse to discover his name, it shall and may be lawful for the said Justice of the Peace or Police Magistrate before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the common gaol or house of correction of the parish or district in which the offence was committed, there to be kept with or without hard labour, for any time not exceeding Two Months, or to proceed against him for the penalty aforesaid, by a description of his person, and the offence only without adding any name or designation, but expressing in the proceedings that he refused to discover his name. And in case the driver or other person in charge of any waggon, cart, or other vehicle of burthen, whose name shall be unknown, shall violate any of the regulations aforesaid, and such person may not be apprehended and taken into custody as authorized by this clause, it shall and may be lawful for any Police Magistrate or Justice of the Peace, upon the complaint of any police officer or other person to summon the owner of any such waggon, cart, or other vehicle of burthen, to come before him and disclose the name or names of the person or persons who was or were driving or in charge of such waggon, cart, or other vehicle of burthen, when the offence was committed, to the intent that such person or persons may be proceeded against according to law, and in case the owner of any such waggon, cart, or other vehicle of burthen, shall refuse to attend after being duly summoned, or attending, shall refuse to disclose or give the name of the person or persons in charge of any such waggon, cart, or other vehicle of burthen as aforesaid, such owner shall be subject and liable to, and shall incur the like penalty as such driver or other person, if known, would have been subject and liable to, and such owner shall be convicted in like manner as if he himself had been actually driving, or in charge of such waggon, cart, or other vehicle of burthen.

driving a cart or waggon without the owner's name thereon, and on any person driving a carriage on the wrong side of the road, or otherwise obstructing the road, or driving any cart or waggon beyond a walk.

See Act of 30 July 1863.

and on any person riding or driving furiously, or loading a cart or waggon in a manner dangerous to the public.

Proceedings to be had where drivers' names are unknown.

11. And whereas it is expedient to guard against accidents in the drawing up and leaving of waggons, carts, or other vehicles of burthen on the highways: Be it therefore enacted, That it shall not be lawful for any person to draw up and stop any waggon, cart, or other vehicle of burthen on any highway for a longer time than may reasonably be necessary for the unloading or loading of the same, nor shall it be lawful to take the horses or other animals from any such waggon, cart, or other vehicle of burthen, and to leave such waggon, cart, or other vehicle of burthen, in any such highway, and every person offending herein shall,

Penalty on carts or waggons drawn up for an unnecessary time on the road, or unhorsed and left on the road.

No. 208.

21 August 1849.

Penalty on drivers of waggons or carts carrying passengers or packages without consent of the owner.

Mules not to be driven along the roads in number and manner to endanger the public safety under a penalty of 20s., besides damages.

Appropriation of fines under this Act. See Act of 24 February 1864, cl. 11.

Limitation of time within which offences must be prosecuted.

By whom the provisions of this Act are to be carried out.

Interpretation clause.

on conviction before any Police Magistrate or Justice of the Peace, incur a penalty not exceeding Ten Shillings.

12. And be it enacted, That if the driver or other person in charge of any waggon, cart, or other vehicle of burthen shall, without the permission of the owner of such waggon, cart, or other vehicle of burthen, take up and convey therein any person or persons or any package or packages, the person so offending shall, on conviction thereof before any Police Magistrate or Justice of the Peace, forfeit a sum not exceeding Five Shillings, and, in default of payment, the offender shall be committed to the common gaol or house of correction of the parish or district in which the offence was committed, for any time not exceeding Ten Days, unless the fine be sooner paid. And in case any dispute shall arise whether any such driver or other person in charge of any such waggon, cart, or other vehicle of burthen had permission from the owner thereof to take up, carry, and convey persons or packages therein, the proof thereof shall be on such driver or other person as aforesaid: Provided always that it shall not be lawful in any such case to examine on oath the party complained against.

13. And whereas persons who import mules for sale are in the habit of having them driven out for exercise on and along the public streets and roads in such numbers and in such manner as to endanger the safety of passengers: To prevent such practices in future, be it enacted, That if any owner of mules shall suffer the same to be driven on and along any street or road in such numbers and in such manner as to endanger the safety of passengers, he shall forfeit the sum of Twenty Shillings, and such owner shall also be liable to make good any damage done to any person or property by any such mule or mules, to be recovered as penalties under this Act, for the use of the party injured. Provided always that the damages to be awarded to any one complainant under this clause, shall not exceed the sum of Five Pounds. And provided also that the party aggrieved shall not proceed for the recovery of damages, both under the general law and under this clause.

15. And be it enacted, That all penalties, forfeitures, and fines imposed by this Act shall be to her most gracious Majesty, her heirs and successors, to be levied and raised as in the case of servants' wages, and when not prosecuted by the party aggrieved, the same shall be prosecuted by a Commissioner, Superintendent, or other person entrusted with the care, maintenance, or repair of the roads of the parish, or by a police officer, and shall be paid to the Treasurer of the Island for the uses of the highways of the parish in which the same were incurred: Provided always that all complaints for any breach of the provisions of this Act shall be made within twenty days of the time of the committing the offence.

16. Provided always and be it enacted, That such of the provisions of this Act as are to be performed or carried out by Commissioners, Superintendents, or other persons entrusted with the care, maintenance, or repair of the roads, shall, when there may not be any such persons duly appointed according to law, be performed and carried out by some proper person or persons, to be appointed by the vestry of the parish in which the same ought to be performed or carried out, anything hereinbefore contained to the contrary notwithstanding. And the person or persons so to be appointed shall be reimbursed by the vestry all such expenses as shall be necessarily incurred in discharge of the same.

17. And be it enacted that the following words and expressions occurring in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant thereto; that is to say, words importing the singular number only, shall include the plural number, and words importing the plural number only, shall include also the singular number. Words importing the masculine gender only shall include females. The word "highways" shall mean any public roads in this Island, and any streets, lanes, or alleys in any of the towns of this Island.

No. 204.

No. 204.
29 September 1849.

29 September 1849.]—AN ACT to amend the law of evidence.

WHEREAS the inquiry after truth in Courts of Justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony: Preamble.

1. Now therefore be it enacted by his Excellency Sir William Macbean George Colebrook, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That no person offered as a witness shall hereafter be excluded by reason of incapacity from crime, or interest, from giving evidence, either in person, or by deposition, according to the practice of the Court, on the trial of any issue joined, or of any matter or question or on any inquiry arising in suit, action, or proceeding, civil or criminal, in any Court or before any judge, jury, coroner, magistrate, officer, or person, having by law, or by consent of parties, authority to hear, receive, and examine evidence; but that every person so offered may, and shall be admitted to give evidence on oath, or solemn affirmation, in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or injury, or of the suit, action, or proceeding, in which he is offered as a witness, and notwithstanding that such person offered as a witness may have been previously convicted of any crime or offence: Provided that this Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf, any action may be brought or defended, either wholly or in part, or the husband or wife of such person respectively: Provided that in Courts of equity any defendant to any cause pending in any such Court may be examined as a witness on behalf of the plaintiff, or any co-defendant in any such cause, saving just exceptions; and that any interests which such defendant so to be examined may have in the matters, or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

No person offered as a witness shall be excluded hereafter from giving evidence by reason of incapacity from crime or interest.

See Act of
10 February 1855.

No. 205.

No. 205.
12 January 1850.

12 January 1850.]—AN ACT to facilitate the receipt of certain Duties, and Sums of Money collected at the Treasury of this Island.

WHEREAS under the authority of the Act recently passed to assimilate the currency and moneys of account of this Island to the currency and moneys of account of the United Kingdom of Great Britain and Ireland, all dues, duties, and revenues, payable into the Public Treasury, are collected in the sterling money of the said United Kingdom: And whereas the duties and sums of money which are set forth in the following table in the late currency of this Island are not susceptible of being converted into sterling without involving fractional parts of pence or farthings, particularly in the case of licenses issued for any portion of time less than twelve months: Wherefore it is deemed expedient, in order to facilitate

Preamble.
Certain duties levied in late currency not being susceptible of conversion into sterling money as required by law without involving fractions, the same

No. 205.
12 January 1850.

are ordered to be paid
in even sterling
money.

the collection of the said duties, and sums of money, to fix the exact sums which shall be paid in respect of the same, in the sterling money of the said United Kingdom: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, from and after the passing of this Act, instead of the sums of money specified in column A of the said table being converted from the late currency of this Island into sterling, and collected at the Public Treasury, the several sums of money set forth in column B, of the said table, in sterling, shall be collected and received at the said Public Treasury, any law or practice to the contrary notwithstanding:

TABLE ABOVE REFERRED TO.

	Column A. Sums in the late currency.			Column B. Sums in sterling.		
	£	s.	d.	£	s.	d.
Duties on Liquor imported, the Gallon	0	2	6	0	1	8
LICENCES.						
For retailing Liquors for twelve months	10	0	0	6	8	0
For hawking goods or butchering for twelve months	2	10	0	1	12	0
For hawker's cart for twelve months	5	0	0	3	4	0
For vending bread for twelve months	1	5	0	0	16	0
For shooting birds during the year	0	12	6	0	8	0

No. 206.
12 January 1850.

No. 206.

12 January 1850.]—AN ACT to facilitate the recovery of Possession of Tenements after due determination of the Tenancy.

Preamble.

Mode of recovering
possession of tene-
ments held at will,
or for a term of not
more than seven years
and at an annual rent
not exceeding 20*l.*,
after the tenancy has
been duly determined.

WHEREAS it is expedient to provide for the more speedy and effectual recovery of the possession of premises unlawfully held over after the determination of the tenancy: Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, when and as soon as the term or interest of the tenant of any house, land, premises, or any corporeal hereditaments held by him at will, or for any term not exceeding seven years, either without being liable to the payment of any rent, or at a rent not exceeding the rate of twenty pounds a year, shall have ended or shall have been duly determined by a legal notice to quit, or otherwise, and such tenant or (if such tenant do not actually occupy the premises or only part thereof) any person by whom the same or any part thereof shall be then actually occupied shall neglect or refuse to quit and deliver up possession of the premises or such part thereof respectively, it shall be lawful for the landlord of the said premises, or his agent, to cause the person so neglecting or refusing to quit and deliver up possession to be served (in the manner hereinafter mentioned) with a written notice in the form or to the effect set forth for that purpose in the Schedule to this Act, signed by the landlord, or by his agent, of his intention to proceed to recover possession of the same under the authority and according to the mode prescribed in this Act, and if the tenant or occupier shall not thereupon appear at the time and place appointed, and show, to the satisfaction of the Police Magistrate, as hereinafter mentioned, reasonable cause why possession should not be given under the provisions of this Act, and shall still neglect or refuse to deliver up possession of the premises or such part thereof of which he

is then in possession to the said landlord or his agent, it shall be lawful for such landlord or his agent to give to such Police Magistrate proof of the holding and of the end or other determination of the tenancy, with the time or manner thereof, and where the title of the landlord has accrued, since the letting of the premises, the right by which he claims the possession, and upon proof of service of notice as aforesaid, and of the neglect or refusal of the tenant or occupier, as the case may be, to deliver up possession, it shall be lawful for the Police Magistrate of the parish in which the land or premises or any part of them is situated, to issue a warrant, under his hand and seal, directed to any one or more police officer or officers, commanding them within a period to be therein named, not less than three nor more than ten clear days from the date of such warrant, to enter (by force if needful) into the premises and give possession of the same to such landlord or agent, provided always that entry upon any such warrant shall not be made on a Sunday, Good Friday, or Christmas Day, or any time except between the hours of eight in the morning and five in the afternoon; provided also that nothing herein contained shall be deemed to protect any person on whose application, and to whom any such warrant shall be granted from any action which may be brought against him by any such tenant or occupier, for or in respect of such entry and taking possession, when such person had not at the time of granting the same, lawful right to the possession of the same premises: Provided also, that nothing therein contained shall affect any rights to which any person may be entitled as outgoing tenant or otherwise.

2. And whereas it sometimes happens where houses, lands, and premises are occupied by persons bearing the relations of servants or labourers to the owners of the same, that doubts exist whether they are or are not held as incident to such service under the provisions of the Act of this Island, entitled "An Act to regulate the Hiring of Servants and to provide for the recovery and security of their Wages," and it is expedient to remedy the same: Be it enacted, That in all cases in which the relation of master or employer and servant and labourer exists between the owner or his agent and the occupier of any land, house, or premises in which no fixed term for the duration of such occupancy has been agreed on between the said parties, and where either no rent has been reserved, or the same has been received or customarily paid in labour or otherwise at shorter periods than three months, it shall only be lawful for either party to terminate the occupancy of such house, land, or premises by giving one month's notice, either verbal or in writing, to the other party of his intention to put an end to the same. And in every case in which the occupier of any house, land, or premises so held after having received one month's notice to terminate such occupancy shall refuse to deliver possession of such premises to the owner or his agent, the person so refusing shall be considered to hold over the same unlawfully, and shall be liable to be forthwith proceeded against for the recovery of possession thereof under the authority and in the manner pointed out by this Act: Provided always that in every case where proceedings are taken under the authority of this Act in which there shall be any crop upon any land so held or occupied as aforesaid, such crop shall be dealt with in all respects as if it were on land actually occupied as incidental to service under the sixth clause of an Act of this Island passed on the Seventh day of January, One thousand eight hundred and forty, entitled "An Act to regulate the Hiring of Servants and to provide for the recovery and security of their Wages," anything to the contrary thereof in this Act notwithstanding. And provided also that nothing herein contained shall be deemed or taken in any way to alter, affect, or interfere with the occupancy of any house, land, or premises which is incident to service within the provisions of the said Act for regulating the hiring of servants.

Provision for the cases of tenement held by the servant of the master where no term has been fixed or no rent receivable, or where the occupancy may be incidental to service.

3. And be it enacted, for the better taking of appraisements under Proceedings to be had

No. 206.

12 January 1850.

for appraising the
crops on any lands
so held.

and by virtue of this Act, in all cases where any difference shall arise between the landlord or his agent and tenant as to the value of any crop that may be growing on any land so held or occupied as aforesaid, in case the notice to terminate the occupancy shall have been given by the landlord to the tenant, it shall be lawful for either party to apply to the Police Magistrate of the parish for an appraisement of the same, and the said Police Magistrate shall thereupon issue a writ of appraisement to any three fit and proper persons, fixing the day, hour, and place where the said persons shall meet for the appraisement of the said crop in question; and the three persons so summoned shall there meet, and having duly appraised the value of said crop, shall make a return thereof, under their hands, to the Police Magistrate, who shall, with this evidence before him, proceed to make his award. And if any person lawfully summoned to such appraisement shall refuse to attend, or having attended shall neglect to make such return of appraisement as aforesaid, he shall forfeit and pay to her Majesty, her heirs and successors, a sum not exceeding Ten Shillings, unless some satisfactory reason be assigned for the omission; such fine to be recovered as in the case of servants' wages, and paid into the Public Treasury for the uses of the Island: provided always that in all cases the party applying for such appraisement shall be liable to pay the costs thereof.

Manner of serving the
notice to quit.

4. And be it enacted, That such notice of application intended to be made under this Act may be served either personally or by leaving the same with some person being in and apparently residing at the place of abode of the person so holding over as aforesaid, and that the person, serving the same (where notice is required to be in writing) shall read over the same to the person served, or with whom the same shall be left as aforesaid, and state the purport and intent thereof, or leave a copy of the same with such person: Provided that if the person so holding over cannot be found, or the place of abode of such person shall either not be known or admission thereto cannot be obtained for serving such summons, the posting up of the said summons on some conspicuous part of the premises so held over shall be deemed to be good service upon such person.

Proceedings in cases
of parties claiming
possession who have
no title.

5. And be it enacted, That in every case in which the person to whom any such warrant shall be granted had not, at the time of granting the same, lawful right to the possession of the premises, the obtaining and service of any such warrant as aforesaid shall be deemed a trespass by him against the tenant or occupier of the premises; and in case any such tenant or occupier will become bound, with two sureties as hereinafter provided, to be approved of by the said Police Magistrate, in such sum as to him shall seem reasonable, regard being had to the value of the premises and to the probable cost of an action to sue the person to whom such warrant was granted with effect and without delay, and to pay all the costs of the proceedings in such action, in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution of the warrant shall be delayed until judgment shall have been given in such action of trespass; and if upon the trial of such action of trespass a verdict shall pass for the plaintiff, such verdict and judgment thereupon shall supersede the warrant so granted.

Bond to be given by
the party disputing
the title to pay costs
in the event of judg-
ment going against
him.

6. And be it enacted, That every such bond as hereinbefore mentioned shall be made to the said landlord or his agent, shall be approved of and signed by the said Police Magistrate, and shall be in the form hereunto annexed; and if the bond so taken be forfeited, or if upon the trial of the action, for securing the trial of which such bond was given the Judge by whom it shall be tried shall not endorse upon the record upon application to be made to him in Court in that behalf that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action and recover thereon: Provided always that the Court where such action as last aforesaid shall be brought, may, by a rule

of Court, give such relief to the parties upon such bond as may be agreeable to justice and such rule shall have the nature and effect of a defeasance to such bond.

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12 January 1830.

7. And be it enacted, That it shall not be lawful to bring any action or prosecution against the said Police Magistrate by whom such warrant as aforesaid shall have been issued, or against any police officer by whom such warrant may be executed for issuing such warrant or executing the same respectively, by reason that the person on whose application the same shall be granted had not lawful right to the possession of the premises.

Protection to Magistrate and officer issuing and serving process.

8. And be it enacted, That where the landlord or his agent at the time of applying for such warrant as aforesaid had lawful right to the possession of the premises or of the part thereof so held over as aforesaid, neither the said landlord nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case for such irregularity or informality, in which the damage alleged to be sustained thereby shall be specially laid, and may recover full satisfaction for such special damage with costs of suit: Provided that if special damage as laid be not proved, the defendant shall be entitled to a verdict, and that if proved but assessed by the jury at any sum not exceeding forty shillings, the plaintiff shall recover no more costs than damages unless the Judge before whom the trial shall have been held shall certify upon the back of the record that, in his opinion, full costs ought to be allowed.

Parties having a title not to be deemed trespassers by reason of any informality in the proceedings.

How redress may be had by parties aggrieved by such informality.

9. And be it enacted, That where the Police Magistrate of any parish shall be a party to any proceedings to be taken under this Act, it shall be lawful for any two Justices of the Peace of the parish or for the Police Magistrate of either of the adjoining parishes to have and exercise jurisdiction in all such proceedings in as full and ample a manner to all intents and purposes as the same could have been had and exercised by the Police Magistrate of the parish if he were not a party thereto.

Provision in case of the Magistrate of a parish being a party to any proceedings under this Act.

10. And be it enacted, That it shall be lawful for the Police Magistrates, Justices of the Peace, and constables to demand and receive the following fees, that is to say—

Fees to be taken by Magistrates and constables under the Act.

MAGISTRATES AND JUSTICES' FEES.

For executing summons, One Shilling.
Hearing, One Shilling.
Writ of appraisement, One Shilling.
Writ of ejectment, One Shilling.

CONSTABLES' FEES.

For executing a summons, One Shilling.
For each Witness if within the Parish, One Shilling.
If out of the parish, Two Shillings.
For executing a writ of appraisement, Two Shillings.
For executing a writ of ejectment, Two Shillings.

And in default of payment of such fees they shall be levied and raised as in the case of servants' wages; provided always, that the fees of the Police Magistrates and Justices of the Peace shall, as in other causes, be paid into the Public Treasury for the use of the Island.

Interpretation clause.

11. And be it enacted, That in construing this Act the word "premises" shall be taken to signify lands, houses or other corporeal hereditaments, and that the word "person" shall be taken to comprehend a body politic, corporate or collegiate as well as an individual, and that every word importing the singular number shall, where necessary to give full effect to the enactments herein contained, be deemed to extend and to be applied to several persons or things as well as one person or thing, and that every word importing the masculine gender, shall, where necessary, extend, and be applied to a female as well as a male, and that the term

"landlord" shall be understood as signifying the person entitled to the immediate reversion of the premises, or if the property be held in joint tenancy, coparceny, or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion, and that the word "agent" shall be taken to signify any attorney lawfully constituted, or any person usually employed by the landlord or his attorney in the letting of the premises, or in the collection of the rents thereof, or specially authorized to act in the particular matter by writing under the hand of such landlord.

SCHEDULE.

FORM No. 1.

Notice of Owner's Intention to apply to a Police Magistrate to recover Possession.

I, _____ owner or agent to _____ the owner (as the case may be) do hereby give you notice that unless peaceable possession of the tenement (shortly describing it) situate _____ which was held of me of the said _____ (as the case may be) under a tenancy from year to year (as the case may be) which expired (or was determined) by notice to quit from the said _____ or otherwise (as the case may be) on the _____ day of _____ and which tenement is now held over and detained from the said _____ be given to _____ (the owner or agent) on or before the expiration _____ clear days from the service of this notice, I _____ shall on _____ next the _____ day of _____ at _____ of the clock of the same day apply to A. B., Police Magistrate of the parish _____ of _____ issue his warrant directing any one or more police officer to enter and take possession of the said tenement and to eject any person therefrom _____ Dated this day of _____ (Signed) _____

To Mr.

Owner or Agent.

FORM No. 2.

Complaint before Police Magistrate.

The complaint of (owner or agent as the case may be) made before me Police Magistrate of the parish of of who saith that the said did let to a tenement consisting of for under the rent of and that the said tenancy expired (or was determined) by notice to quit given by the said (owner or agent) (as the case may be) on the day of and on the day of the said did serve on (the tenant over holding) a notice of his intention to apply to recover possession of the said tenement (a duplicate of which notice is hereto annexed) by giving and (describing the mode by which the service was effected), and that notwithstanding the said notice the said refused (or neglected) to deliver up possession of the said tenement and still retains the same.

Taken the _____ day of _____

(Signed) _____ before me.

(Signed) _____

A duplicate of the notice of intention to apply is to be annexed to this complaint.

FORM No. 3.

Warrant to Police Officers to take and give possession.

Whereas (set forth the complaint) I _____ Police Magistrate for
the parish of _____ do authorize and command you, or each of you, on
any day within _____ days from the date hereof (except on Sunday,
Christmas Day and Good Friday to be added if necessary) between the

hours of eight in the forenoon and five in the afternoon to enter (by force if needful), and with or without the aid of (the owner or agent as the case may be), or any other person or persons whom you may think requisite to call to your assistance, into and upon the said tenement and to eject thereout any person, and of the said tenement full and peaceable possession to deliver to the said (the owner or agent as the case may be). Given under my hand and seal this day of To and all other police officers.

FORM No. 4.

Bond by Tenant and Sureties to Landlord.

Know all men by these presents, that we A. B. of C. D. of and E. F. of are jointly and severally held and firmly bound to (the landlord) in the sum of of lawful money of this Island to be paid to the said (the landlord) or his certain attorney, executors, administrators, or assigns, for which payment, to be well and truly made, we bind ourselves, and each and every of us in the whole sum, and each and every of our heirs, executors, and administrators, firmly by these presents sealed with our seals.

Dated this day of

Whereas the above-named (the landlord) hath taken out a warrant against the above-named (the tenant) before esquire, Police Magistrate for the parish of , to recover possession of (state the premises) under an Act or Statute of this Island entitled, "An Act to facilitate the recovery of possession of Tenements after due determination of the Tenancy." And whereas execution of the said warrant hath been delayed at the instance of the said (the tenant).

Now the condition of this obligation is such that if the above bounden (the tenant) do sue the above-named (the landlord) with effect and without delay in an action or trespass to be filed in the Court of Common Pleas for this Island, and pay all the costs of the proceedings in such action in case a verdict shall pass for the defendant or the plaintiff shall discontinue, or not prosecute his action or become nonsuit therein, then his obligation shall be void and of none effect or else to be and remain in full force and virtue.

Sealed and delivered, &c.

No. 207.

No. 207.
17 January 1850

17 January 1850.]—AN ACT to regulate the Sale of Effects arising out of Levies made by virtue of Executions issuing from Magistrates.

[Clause 3 repealed.]

WHEREAS great sacrifice of the property of poor persons is occasioned by the mode in which sales, arising out of levies made by virtue of executions issuing from Magistrates, are at present conducted, and principally from the want of publicity, and it will be to the advantage both of debtor and creditor to fix one general day in each week for the sale of effects under executions issuing from Magistrates, and to appoint the places at which the same shall be sold, in the cases where the levies shall be made by police officers or constables: Preamble.

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That Monday in every week throughout the year shall be and the same is hereby declared to be the day of sale for all effects of whatever description, which after the passing of this Act shall be levied All sales of effects upon executions issued by Magistrates to take place on a Monday.

No. 207.
17 January 1850.

And at the police station. If in town, at the market place.

See Act of 5 June 1856.

How public notice of the sale is to be given.

on by police officers or constables by virtue of executions issued by the respective Magistrates of this Island: Provided always that when Christmas Day shall fall on a Monday, or any Monday shall be set apart by proclamation for the performance of Divine worship, then and in such case the sale day shall be the Tuesday of that week.

2. And be it enacted, That except as hereinafter provided, the police station house of the district or pariah in which the effects so levied on may be, shall be the proper place at which the same shall be exposed for sale, if the effects be of a description to permit of their being removed and carried to such station house, the expenses of such removal to be at the cost of the defendant: Provided always, that the market place of the city of Bridge-Town shall be the proper place of sale for effects levied on and being within the limits of the said city. And provided also, that if the effects levied on be of such a description as to suffer in the removal, it shall be lawful for the officer or constable making the levy, with the consent of the debtor and creditor, to sell such effects on the spot where the same were when levied on.

4. And be it enacted, That the police officer or constable by whom any effects may be levied on after the passing of this Act shall, ten days before the day of sale, affix a notice or notices in writing at the police station house where the same are to be sold, therein specifying the description of the effects, and the hours within which the sale will take place; and in the case of houses and lands he shall in addition thereto affix a copy of such notice or notices on the premises in question for the immediate information of the persons in the neighbourhood thereof. And in the case of effects levied on and being within the limits of the said city of Bridge-Town, the like notices shall be affixed at the said market place of Bridge-Town, and also on the premises themselves, being houses and lands.

No. 208.
22 January 1850.

No. 208.

22 January 1850.]—AN ACT to authorize the conditional discharge of and the granting of Tickets-of-Leave to Convicts.

Preamble.

WHEREAS it may tend to promote the reformation of felons and offenders sentenced to imprisonment, if the Governor or Commander-in-Chief were authorized to direct the conditional discharge of, and to grant in the manner hereinafter mentioned to such felons and offenders, in certain cases, permission to employ themselves for their own benefit before the period for which they were sentenced may have expired:

1. Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor or Commander-in-Chief for the time being, and he is hereby authorized and empowered to direct the conditional discharge of, and to grant to such persons as having been convicted of any offence, and been sentenced to be imprisoned with or without hard labour, shall from good conduct or from any other proper cause, before the expiration of the period for which they were sentenced, seem to the Governor to be deserving thereof, permission to employ themselves for their own benefit; which permission shall be called a ticket-of-leave, and shall be under the hand and seal of the Governor or Commander-in-Chief for the time being: Provided always, that it shall not be lawful to grant any such ticket-of-leave to any person until such person shall have suffered three-fourths of the period of imprisonment to which he or she shall have been originally sentenced: Provided also,

The Governor is authorized to discharge conditionally prisoners who from good conduct or otherwise may seem to him deserving of it.

See Act of 3 January 1855.

that nothing herein contained shall in any manner affect her Majesty's Royal prerogative of mercy.

2. And be it enacted, That every person who shall receive such a ticket-of-leave, shall once a-week during the period of his or her unexpired sentence, appear before the Police Magistrate of the district in which he or she is residing, and give a proper and satisfactory account of himself or herself, and of his or her place of abode, and of his or her mode of life, and shall produce such evidence thereof as the said Police Magistrate shall require: and in case such person shall neglect or omit to appear before and to give such account of himself or herself to the said Police Magistrate, or in case the said Police Magistrate shall have reasonable cause to suspect that such person is leading an idle or dishonest life, it shall be the duty of the said Police Magistrate to report the same to the Governor, who is hereby authorized to revoke such ticket-of-leave, and the holder thereof shall thereupon be remanded to the common gaol by the said Police Magistrate (who is hereby authorized to issue his warrant if necessary for the apprehension of such person), there to remain until the term of his or her original sentence of imprisonment shall have expired, with or without hard labour as the case may be.

No. 208.
22 January 1850.
Regulations to be observed in cases of persons so discharged.

3. And be it enacted, That if the holder of any such ticket-of-leave shall, during the period for which such ticket-of-leave may have been granted, be convicted before any Police Magistrate or Justice of the Peace, of any substantive offence, such conviction shall be deemed to be a revocation of such ticket-of-leave, and it shall be lawful for the said Police Magistrate or Justice of the Peace immediately to remand such person as is hereinbefore provided, and to further order that such person shall, on the expiration of his or her original sentence, stand committed for such further period as he shall direct, or be detained to be dealt with according to the nature of such substantive offence, anything to the contrary thereof in this Act contained notwithstanding.

Provision in cases of parties so discharged committing fresh offences.

4. And whereas it is just that felons should be protected in their persons and in the possession of such property as they may acquire by their industry while holding such tickets of leave, be it enacted, That it shall be lawful for every felon who shall hold such ticket-of-leave, notwithstanding his or her conviction of felony, to acquire and hold personal property, and to maintain any action or suit for the recovery of any personal property so acquired by him or her, and for any damage or injury sustained by him or her in the Courts of this Island, and if the defendant in any such action or suit shall plead or allege in his or her defence the plaintiff's or complainant's conviction of felony, and the plaintiff or complainant shall allege and prove that he or she hath received and doth still continue to hold unrevoked such a ticket-of-leave as aforesaid, a verdict shall pass and judgment shall be given for the plaintiff or complainant: Provided always, that whenever any such ticket-of-leave shall be revoked, all property so acquired by any such felon shall vest absolutely in her Majesty, and shall be disposed of at the discretion of the Governor.

Protection to discharged offenders in their persons and property.

5. And be it enacted, That no person who shall have received such a ticket-of-leave as aforesaid, and shall at any subsequent time be convicted of felony, shall be again entitled to be discharged under the provisions of this Act.

No person to be a second time entitled to the benefits of this Act.

No. 209.

29 January 1850.]—AN ACT to amend an Act of this Island, entitled
“An Act for the better regulating the Pews, Sitings, and Seats,
“in the several Churches, Chapels, and other places of Public
“Worship within this Island.”

No. 209.
29 January 1850.

WHEREAS by the fourth clause of the above-mentioned Act, passed the Preamble.
Ninth day of April, One thousand eight hundred and thirty-four, it is

348 *Punishment of Persons deserting their Wives and Children.*

No. 209.
29 January 1850.

provided that the election of the committee of management of each chapel or other place of public worship, shall be holden on the second Wednesday in January of each year, at such place and within the hours therein mentioned, and it is also provided that no person shall be qualified to be elected or to vote at such election who has not paid his pew-rent in advance to the thirty-first day of December then next ensuing: And whereas for the accommodation of renters of sittings in many of the chapels of this Island, it is the practice to require payment for periods less than twelve months in advance, wherefore it is expedient that the said clause should be amended in this particular: And inasmuch as no provision is made for the election of a committee of management on any other day than the second Wednesday in January, it is also expedient that the said clause be further amended:

Qualification for voters to vote in the election of committees of management for chapels, &c.

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That any person who shall have paid the rent of his sitting in any chapel or other place of public worship in advance for any time not less than three months, shall be duly qualified to be elected or to vote at any election of a committee of management for such chapel or other place of public worship, anything in the said clause to the contrary thereof notwithstanding.

In case of elections not taking place on the second Wednesday in January, they may be fixed for another day.

2. And be it enacted, That if the renters of sittings in any chapel or other place of public worship shall have omitted on the second Wednesday in this present month of January, or shall omit on the second Wednesday in the month of January of any future year, to elect a committee of management, it shall be lawful for them so to do on any other day which shall be fixed for that purpose by the Minister for the time being of such chapel or other place of public worship, notice thereof being given on the two preceding Sundays in such and the like manner as in the case of the day so as aforesaid specially fixed for that purpose in and by the aforesaid clause.

All acts of former committees made valid.

3. Provided always, and be it enacted, That all acts, deeds, matters, or things done, performed, or transacted by any committee of management of any chapel or other place of public worship, composed of or elected by persons not duly qualified according to the true intent and meaning of the said fourth clause of the said Act, shall nevertheless be good, valid, and effectual to all ends, intents, and purposes whatsoever.

No. 210.
15 July 1850.

No. 210.

15 July 1850.]—AN ACT for the Punishment of Persons deserting their Wives or Children.

Preamble,
Persons deserting their wives or children to be imprisoned and kept to hard labour for two months, and the punishment may be repeated if the desertion is continued.

WHEREAS it is expedient to provide for the summary punishment of persons deserting their wives or children: Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, if any person shall desert and leave his wife or any child whom such person is bound by law to maintain, so that such wife or child shall become destitute, it shall be lawful for the Police Magistrate of the parish or district in which such wife or child may be residing, on complaint by the Churchwarden of the parish, to issue his warrant to apprehend and bring before him such person so charged, and on proof being made of such charge to commit such person to prison, there to be kept to hard labour for any time not

exceeding Two Months: Provided always, that no person who has been proceeded against and punished under this Act shall be considered as absolved in future from liability to maintain such wife or child, or from being again punished under this Act for a similar desertion of such wife or child.

No. 210.
15 July 1850.

No. 211.

No. 211.
17 July 1850.

17 July 1850.]—AN ACT to repeal so far as it relates to Molasses, an Act of this Island, entitled “An Act for the better ascertaining “the true and exact Gauge and Tare of Cask.”

WHEREAS by the second clause of an Act of this Island passed the First day of September, One thousand seven hundred and thirty-six, entitled “An Act for the better ascertaining the true and exact Gauge and Tare of “Cask,” persons are prohibited under a penalty from selling or shipping molasses for exportation before the casks containing the same shall have been gauged, branded, and marked agreeably to the directions of the said Act: And whereas it is expedient that dealers in molasses should be at liberty to regulate the sale or shipment of the same, either by weight or gauge, as they may think fit: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty’s Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same, That the said second clause of the aforesaid Act, so far as the same relates to the sale or shipment of molasses, shall be and stand repealed.

Permits the sale of molasses (which used to be by gauge only) either by weight or gauge.

No. 212.

No. 212.
17 July 1850.

17 July 1850.]—AN ACT to provide for the remuneration of Medical Men, who are compelled to attend as witnesses at the Criminal Court.

WHEREAS it is expedient that in certain cases medical men who are compelled to attend as witnesses at the Criminal Court should be remunerated for loss of time: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty’s Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty’s Council, and the General Assembly of this Island, and by the authority of the same, That if on the hearing of any complaint before a Police Magistrate or Justice of the Peace in any case of cutting and wounding or other injury to any person, any medical man having a recognized diploma as physician or surgeon shall be produced as a witness, and it shall become necessary to bind over such medical man in a recognizance to attend the Court of Grand Sessions and give evidence in his professional character touching such complaint, and such medical man shall attend the said Court and give evidence accordingly, he shall be entitled to a fee not exceeding three guineas, as a remuneration for loss of time, to be paid in like manner as jurors attending the said Court, upon the production of a certificate from the Chief Judge, certifying the amount which under the circumstances of the case ought to be paid.

Preamble.

Medical Men giving evidence at the Sessions in cases of cutting and wounding, &c., to be entitled to a fee not exceeding 3*l.* 3*s.*

No. 213.
1 August 1850.

No. 213.

1 August 1850.]—AN ACT to repeal certain Acts of this Island relating to the taking out of Tickets from the Secretary's Office by persons about to depart from this Island, and to alter and amend the law of Arrest on Mesne Process in civil cases, and to extend the remedies of Creditors against their Debtors in certain cases.

[Clause 1 repeals certain Acts.]

Preamble.

WHEREAS there are divers laws of this Island now in force concerning the taking out of tickets by persons intending to depart from this Island: and whereas such laws are not only constantly evaded, by reason of the difficulties experienced in enforcing their provisions, but are opposed to the spirit and freedom of the British constitution, and it is expedient to repeal them and to abolish all such restrictions on the liberty of the subject:

Warrants of arrest for 10*l*. or upwards in cases of persons about to leave the Island, to issue upon affidavit before the Chief Judge.

2. And whereas by the fourth clause of the hereinbefore mentioned Act, entitled "An Act concerning persons intending to depart this Island, and the setting up their names in the Secretary's Office and "Warrants of Arrest," certain regulations are made respecting the arrest of persons on mesne process, and whereas it is desirable more closely to assimilate the law of arrest on mesne process in this Island to that of England: Be it enacted, That if any person having filed a declaration in any of her Majesty's Courts of Law in this Island, shall by the affidavit of himself, or of some other person, show to the satisfaction of the Chief Judge of such Court, at his chambers or otherwise, that such plaintiff has a cause of action against the defendant, to the amount of ten pounds or upwards, or has sustained damage to that amount, and that there is probable cause to believe that the defendant or any one or more of the defendants is or are about to quit this Island, it shall be lawful for such Judge to issue his precept, directed to the Provost-Marshall or his lawful deputy, to arrest and hold to bail such defendant or defendants so about to quit this Island, for such sum as such Judge shall think fit, not exceeding the amount of the debt or damage: Provided always, that if such person or persons having cause of action as aforesaid, shall not have filed his or their declaration in the said Court of Common Pleas, he or they shall notwithstanding be entitled to such precept of arrest on making such affidavit and on filing a declaration within three days after any person or persons shall have been arrested.

Declaration if not already filed to be so within three days after arrest.

By whom and how the precept of arrest is to be executed.

3. And be it enacted, That the Provost-Marshall or other officer to whom any such precept shall be directed, shall forthwith proceed to arrest the defendant thereupon, and such defendant when so arrested shall remain in custody until he shall have given bail to the Provost-Marshall according to the present practice of this Island, or shall have made deposit of the sum mentioned in such precept, together with five pounds for costs.

Rules as to execution of precept and service of declaration.

4. And be it enacted, That any such precept may be issued and the defendant arrested in pursuance thereof, at any time after the commencement of such action, and before execution shall issue on any final judgment obtained therein, and that a defendant in custody upon any such arrest and not previously served with a copy of the declaration, may be lawfully served therewith.

Rule as to calling upon plaintiff within ten days to show cause why the person arrested should not be discharged.

5. And be it enacted, That it shall be lawful for any person arrested upon any such precept, to apply at any time within ten days after such arrest, to the Judge at chambers, or to the Court in which the action shall have been commenced, for an order or rule on the plaintiff in such action, to show cause why the person arrested should not be discharged out of custody, and that it shall be lawful for such Judge or Court to make absolute or discharge such order, or rule, and to direct the costs of the application to be paid by either party, or to make such

other order therein as to such Judge or Court shall seem fit; provided that any such order made by the Judge at chambers, may be discharged or varied by the Court on application made thereto by either party dissatisfied with such order.

6. And whereas, by the law of this Island the Police Magistrates have jurisdiction in cases of debt, not exceeding ten pounds, late current money of this Island, subject however to appeal to other courts, and it is expedient and just to creditors that some security should be afforded them against the loss of their debts by the debtors leaving the Island, pending appeals from the decision of the Police Magistrates: Be it enacted, That when a decision shall have been given by any Police Magistrate in favour of a creditor, and execution stayed in consequence of appeal by the debtor, and the creditor, on or pending such appeal, shall make an affidavit before such Police Magistrate, that there is probable cause for believing that the debtor is about to quit the Island, it shall be lawful for such Police Magistrate to summon the debtor forthwith to appear before him, or, if necessary, to issue a warrant for his or her apprehension, and to require him or her to furnish security in a sum not exceeding the debt and costs, to prosecute his or her appeal, and to abide the decision of the superior Courts. And in case such debtor shall refuse, or be unable to find the necessary security, it shall be lawful for the Police Magistrate to grant execution to the creditor to be levied forthwith: Provided always, that where any goods or chattels of any such debtor shall have been levied on or taken under and by virtue of any execution issued under the circumstances aforesaid, such goods and chattels shall remain in possession of the constable or other person to whom the writ shall have been entrusted, and shall not be sold or disposed of until the appeal has been disposed of; and where for want of goods and chattels the person of the debtor shall have been taken under such execution, if the appeal be decided in his or her favour, he or she shall be forthwith liberated from arrest.

No. 213.
1 August 1850.

Mode of dealing with cases of debt under 10l., where execution is stayed in consequence of appeal, and the debtor is about to leave the Island.

No. 214.

No. 214.
1 August 1850.

1 August 1850.]—AN ACT to consolidate and amend the laws for regulating the Office of Harbour Master and Mole Head Officer, and to make other provisions for regulating the duties of Harbour Master of the Port of Bridge-Town.

[Clause 1 repeals certain Acts.]

WHEREAS it is expedient to consolidate and amend the laws for regulating the office of Harbour Master and Mole Head Officer, and to make other provisions for regulating the duties of such officer: **Preamble.**

2. And be it enacted, That from and after the passing of this Act, the owner or owners or master of every ship or vessel coming within the harbour of the Mole Head, except any vessel specially excepted by any Act or Statute of this Island, shall, whilst continuing within the said harbour, pay to the Harbour Master for the time being, or the person acting as such, the following duties; that is to say, for every ship or other vessel for groundage per day, the sum of one half-penny for each and every ton; for every ship or other vessel whilst loading or unloading as herein provided within the said harbour of the Mole Head, the sum of one penny per day for each and every ton; and for every ship or other vessel whilst heaving down, the sum of one penny half-penny per day, for each and every ton. **Payments to be made by vessels coming into the carcenage.**

3. And be it enacted, That it shall not be lawful for any vessel to load or unload within the harbour of the Mole Head or at any of the public wharves or shipping places within the said harbour of the Mole Head, or to come into, or lay up, within the said harbour of the Mole **No vessel to load or unload or come into the carenage except for the purposes mentioned in this Act,**

No. 214.
1 August 1830.

Head, except for the purposes hereinafter mentioned, unless expressly authorized so to do by any Act or Statute of this Island.

under a penalty of 50l.

Permission may be granted to vessels to come inside for repair or for security in bad weather.

Vessels coming into the carenage for repair may keep or take in as much cargo as will ballast them in or out.

Vessels laden with hardwood may discharge inside the carenage,

but they must pay the dues.

Vessels coming into the carenage must take up the station allotted to them by the Harbour Master, under a penalty of 5l.

Droghers and other coasting vessels allowed to come into the carenage without payment.

Regulations to be observed by vessels in

4. And be it enacted, That if the owner or owners, or master or other person in charge of any vessel, shall, contrary to the provisions of this Act, take on board such vessel, or discharge therefrom any cargo or any part of a cargo, or any stone or other ballast within the said harbour of the Mole Head, or at or alongside any of the public wharves or shipping places within the said harbour of the Mole Head, or shall come into, or lay up, within the said harbour of the Mole Head, every such owner or owners, master or other person in charge of such vessel, shall for every such offence forfeit and pay the sum of Fifty Pounds.

5. And be it enacted, That it shall and may be lawful for the Commissioners of the Mole Head for the time being, in their discretion, to grant permission to vessels to come within the carenage for the purpose of undergoing repair, or for laying up for security against tempestuous weather, in such part of the carenage and under such regulations as shall be appointed by the said Commissioners.

6. Provided always, and be it enacted, That it shall and may be lawful for vessels coming within the carenage for the purpose of undergoing repairs to retain and keep on board such parts of their cargoes as shall be sufficient to ballast them, and to discharge the same after coming into the carenage, and when leaving the carenage after being repaired to take on board so much cargo as may be requisite to ballast them until they reach the harbour of Carlisle Bay: Provided always, that no such vessel shall come alongside the pierhead or wharf to land, or take in any parts of their cargoes, but that the same be done by means of boats or lighters, and that such vessel shall not in any way make fast to any part of the pierhead or wharf.

7. And be it enacted, That it shall and may be lawful for vessels laden with hard-wood to come into the carenage and discharge their cargoes of hard-wood by means of their boats or lighters, subject to the order and direction of the said Harbour Master, and so as not to impede or obstruct the free navigation of the carenage.

8. And be it enacted, That the owners or masters of vessels coming within the carenage for any of the purposes aforesaid, shall be subject and liable respectively to the payment of such dues as are imposed by this Act.

9. And be it enacted, That the Harbour Master shall, and he is hereby directed and required to compel the master or other person in charge of any vessel which may come within the said harbour of the Mole Head for any of the purposes hereinbefore mentioned, or under the authority of any other Act or Statute of this Island, to station such vessels in such manner as not to impede the luggage or any other boats in going to and from the public wharves and shipping places within the said harbour of the Mole Head; and, if the master or other person in charge of any vessel which may be within the said harbour of the Mole Head shall neglect or refuse to obey any order or direction which the said Harbour Master may think proper to give as to the station and laying up of such vessel, such master or other person so offending, shall for every such offence forfeit and pay the sum of Five Pounds.

10. Provided always, and be it enacted, That droghers and other vessels trading coastwise of the Island, shall be permitted and allowed as heretofore, to load and unload within the said harbour of the Mole Head, and at and alongside any of the public wharves and shipping places within the said harbour of the Mole Head; and to come into, and lay up, at any time, within the said harbour of the Mole Head; and such droghers or other vessels as aforesaid, shall not be subject to the Mole Head dues imposed by this Act, except when heaving down or undergoing repairs.

11. And be it enacted, That when any ship or vessel shall be laid up or moored within the harbour of the Mole Head, the owner or owners

or master of such ship or vessel, shall employ and constantly keep on board of such ship or vessel, if exceeding the burthen of one hundred tons, four able men; and if not exceeding the burthen of one hundred tons, two able men as ship keepers, who shall and are hereby declared to be subject and liable to such orders, rules and regulations as the Harbour Master shall, with the sanction and approval of the Commissioners of the Mole Head, from time to time make, for the good government of the Mole Head, and the bringing in, laying up and mooring of such vessels; and the said Harbour Master shall, and he is hereby directed and required, in case of necessity, to cast off any ropes, hawsers or lines, with which any ship or vessel may be made fast to the Mole or Pierhead, and to make such alteration in the situation of any ship or vessel as he may deem necessary, for the general convenience and safety of any ship or vessels within the harbour of Carlisle Bay or the Mole Head aforesaid; and if the owner or owners or master of any ship or vessel, shall neglect or refuse to employ and constantly keep on board such ship or vessel, the number of men required by this Act as ship keepers, it shall and may be lawful for the Harbour Master, and he is hereby directed and required, to hire, engage, and employ on board such ship or vessel, the number which may be so deficient for such time as such ship or vessel may continue laid up or moored in the harbour of the Mole Head; and the costs, charges, and expenses attending the same, shall and are hereby declared to be a lien on such ship or vessel, her boats, tackle, apparel and furniture.

No. 214.
1 August 1850.

the carenage as to
ship keepers.
See Act of
25 February 1873.

12. And be it enacted, That the said Harbour Master shall, and he is hereby strictly enjoined, directed, and required to visit and inspect daily, the wharves, quays, and shipping places of Bridge-Town, and to see that the same are at all times kept free from, and clear of all manner of nuisances, whatsoever; and the better to enable him to attend to the same, the said Harbour Master shall be, and he is hereby exempt from serving on juries, and from the performance of militia duty; and if any person or persons shall land and leave on any part of the wharves, quays, or shipping-places of Bridge-Town, any store, or other ballast belonging to any ship, vessel, or boat, for a longer time than four hours, every such person shall, for every such offence, forfeit and pay the sum of Thirty Shillings; and the said Harbour Master shall forthwith after the expiration of the said four hours, seize all such stone or other ballast, and make complaint thereof before any one of the Police Magistrates of Bridge-Town, who is hereby required and directed to condemn the same as forfeited to the public uses of the Island, if it shall appear to such Police Magistrate upon good and sufficient proof that such stone or other ballast was left and suffered to remain on any part of the said wharves, quays, or shipping-places for a longer time than four hours; and when so condemned, the same shall be sold and disposed of to the best advantage by the said Harbour Master; and if any person or persons shall land and leave on any part of the said wharves, quays, or shipping-places, any anchors, cables, irons, guns, or other utensils belonging to any ship or vessel for a longer time than twenty-four hours, or shall land, place, or leave on any part of the said wharves, quays, or shipping-places, any lumber, timber, shingles, staves, bricks, lead, coals, or any other articles of merchandize, for a longer time than twenty-four hours as aforesaid, every such person shall, for every such offence forfeit and pay a sum not exceeding Five Pounds: Provided, nevertheless, that this clause shall not extend to any cranes now erected, or which shall hereafter be erected on any part of the said wharves, quays, or shipping-places.

Duties of the Harbour
Master as to the in-
spection and keeping
clear of the wharves,
&c.

13. And be it enacted, That if any person engaged in supplying ballast to vessels shall deposit any such ballast on any part of the wharf or Mole Head than shall be set apart for the purpose by the Commissioners of the Mole Head, such person shall forfeit a sum not exceeding Five Pounds.

Penalty on depositing
ballast in other than
the appointed place.

14. And be it enacted, That if the owner or owners, master or any

Penalty on droghers,

No. 214.

1 August 1850.

boats, &c., making fast to the wharves.

other person or persons in charge of any drogher, lighter, luggage-boat or any other boat or vessel shall make fast or suffer or permit such drogher, lighter, luggage-boat or such other boat or vessel to be made fast to any of the quays, wharves, or shipping places of Bridge-Town by means of ropes, chains or any other manner, so as that in case of a tempest or torrent of water any part of the said wharves, quays or shipping places might be likely to suffer injury, and shall not on receiving notice thereof from the said Harbour Master immediately cast off such drogher, lighter, luggage-boat or such other boat or vessel from her fastenings to the said wharves, quays or shipping places, the person so offending shall forfeit the sum of Five Pounds; and if by means of such drogher, lighter, luggage-boat or such other boat or vessel being so made fast to any part of the said wharves, quays or shipping places during such tempest or torrent of water, any part of the said wharves, quays or shipping places shall suffer injury, the owner or owners of such drogher, lighter, luggage-boat or such other boat or vessel, shall forfeit and pay a sum not exceeding Fifty Pounds.

Penalty on bartering or trading on or alongside the wharves,

15. And be it enacted, That if any person or persons shall land from any drogher, lighter, luggage-boat, or any other boat or vessel, any wood, vegetables, corn, fish, poultry, or live stock of any kind, and shall put and place the same on any part of the said wharves, quays, or shipping places for the purpose of being sold, bartered, or disposed of; or shall sell, barter, or dispose of the same, or carry on any kind of trading or huckstering on and along any part of the said wharves, quays or shipping places, or in and on board of any such drogher, lighter, luggage-boat or vessel alongside of the said wharves, quays, or shipping places, every such person so offending shall forfeit and pay a sum not exceeding Fifty Shillings; and it shall and may be lawful for the said Harbour Master to seize all such wood, vegetables, corn, fish, poultry, and live stock of any kind as aforesaid, whether the same be so offered for sale or barter, either on board such drogher, lighter, luggage-boat, or such other boat or vessel, or on and along any part of the said wharves, quays, or shipping places, and make complaint thereof before any one of the Police Magistrates of Bridge-Town, who is hereby required and directed to condemn the same as forfeited to the public uses of the Island to be sold and disposed of to the best advantage.

and the articles or stock to be seized and sold.

Penalty on encroachments on the mole head or wharves.

16. And be it enacted, That if any person or persons shall presume to encroach on the mole head, wharves, quays or landing places, on either side of the channel or on the pier head, by driving piles or erecting any building, every such person shall for every such offence forfeit and pay Fifty Pounds, and such encroachment is hereby declared to be a public nuisance, and shall be abated and demolished by order of the Commissioners of the Mole Head under the authority of this Act.

Duties of Harbour Master in respect to infractions of this law, and the visiting and regulation of vessels in harbour.

17. And be it enacted, That the said Harbour Master shall have and he is hereby invested with full power and authority to inspect and take cognizance of any abuse committed in violation of this or any other Act of this Island respecting the said harbour of Carlisle Bay, and the Mole Head; and he is hereby authorized to visit all vessels trading to and from the said harbour and to regulate their moorings, and he shall take care that they shall bring up in such manner as shall be least detrimental to the safe navigation of vessels coming into or going out of the said harbour, and that no booms be kept rigged out at length to impede the navigation of the said harbour; and he shall take cognizance of and prevent the mooring of any boats, rafts, stages or spars under the stern of any vessel lying in the harbour either within or without the Mole Head, except at the time when such boats, rafts, or stages may be employed in the loading, unloading or other necessary services of such vessel; and if the master or commander of any vessel shall in anywise refuse or neglect to comply with the provisions of this clause, after being thereto required by the said Harbour Master, such master or commander so refusing or neglecting shall forfeit and pay a fine not exceeding Ten

Penalty on persons refusing to comply with his orders.

Pounds: Provided always, nevertheless, that anything contained in this clause shall not extend to prevent the laying down of any chain moorings in proper situations by any person or persons for the use of vessels coming to this Island.

18. And be it enacted, That if any vessel on coming into or going out of the harbour of Carlisle Bay or the carenage shall come in contact with and injure any other vessel, and complaint thereof shall be made to any one of the Police Magistrates of Bridge-Town by the party aggrieved, it shall be lawful for such Police Magistrate to hear and determine the same, and to award damages in a sum not exceeding Six Pounds to be paid by the owner, master, or other person in charge of the vessel which caused the injury complained of to the party damnified, to be levied and raised as in the case of servants' wages: Provided always, that it shall not be lawful for any party who shall proceed under this clause to proceed also under the general law.

Summary remedy to the extent of 6*l.* in cases of collision.

19. And be it enacted, That dead bodies or carcases of any kind, or any other matter or thing whatsoever likely to become a nuisance, shall not be thrown into the carenage, mole head, or harbour of Carlisle Bay; and any person or persons throwing or causing to be thrown any dead body, carcase, or other matter or thing likely to become a nuisance into the carenage, mole head, or harbour of Carlisle Bay, shall be subject to and incur a penalty not exceeding Five Pounds; and it shall be the duty of the Harbour Master to take immediate steps for the removal of such nuisance; and the party causing the same shall be liable to the expense of the removal thereof, to be recovered in addition to the said penalty and as in the case of servants' wages.

Penalty on throwing dead bodies, &c., into the carenage or harbour.

20. And be it enacted, That if any person or persons shall throw into the carenage or mole head any rubbish or dirt, every such person shall for every such offence forfeit the sum of Five Shillings.

Penalty on throwing rubbish into the carenage.

21. And be it enacted, That it shall not be lawful for any person or persons to haul up or cause to be hauled up on any part of the wharves, quays, landing places or pier head, any boat or boats, and there suffer the same to remain for more than six hours, without the sanction of the Harbour Master for that purpose first had and obtained, upon the pain of forfeiting the sum of Fifty Shillings and the further sum of Twenty Shillings for each and every hour that the same shall there be suffered to remain over and above the said six hours.

Penalty on persons hauling up and laying boats on the wharves or pier head.

22. And be it enacted, That if the master or other person in charge of any vessel, lying within the harbour of the Mole Head, shall suffer or permit any fire to be made on board such vessel, or on any stage or boat alongside such vessel, after the setting of the sun in the evening and before the rising of the sun in the morning, such master or other person so offending shall forfeit and pay the sum of Thirty Shillings.

Penalty on making fire on the carenage after sunset,

23. And be it enacted, That it shall not be lawful for any person on any pretence whatever to make or cause to be made any fire on any part of the public wharves or shipping places, or on any part of the pier belonging to the Mole Head, and if any person shall offend herein such person shall forfeit and pay the sum of Thirty Shillings: Provided, nevertheless, that it shall and may be lawful for any person or persons to make or cause to be made any fire or fires for boiling pitch, or other necessary business in and about the repairs of any vessel, provided the same be made within such hours and on such parts of the said pier as shall be regulated and pointed out for that purpose by the said Harbour Master.

or on the pier head or wharves.

24. And be it enacted, That the said Harbour Master shall see that the cranes on the said public wharves and shipping places, and the landing stairs thereof are at all times kept clear of droghers and boats except when actually engaged in loading and unloading, or landing or receiving passengers; and if any person in charge of any drogher or boat shall place and keep such drogher or boat opposite to or alongside any or either of the said cranes or landing stairs, except when actually engaged

The cranes and landing places to be kept clear.

No. 214.

1 August 1850.

Penalty on persons
offending.Every vessel to enter
and give bond at the
Secretary's office
within twenty-four
hours after her arrival,
under a penalty of 50*l*.See Act of
10 August 1863.The Custom House
substituted for the
Treasurer's office.
See Act 2 March 1853.See Act passed
22 February 1854.No vessel to clear out
without the Harbour
Master's certificate,
for which 8*s*. 4*d*. is to
be paid.Vessels departing
without clearing at the
Treasurer and Har-
bour Master's office,
to forfeit 100*l*.No goods to be landed
at or shipped from the
pier head, under a
penalty of 10*l*.Harbour Master to
keep a register of all
droghers and boats
plying for freight.

in loading or unloading, or in landing or taking off passengers thereat or therefrom; or if any person shall in any manner wilfully impede or interrupt the landing or shipping of goods or produce at and from any part of the public wharves or shipping places aforesaid, the person so offending shall forfeit and pay a sum not exceeding Fifty Shillings.

25. And be it enacted, That the master or commander of every vessel trading to this Island, shall, within twenty-four hours after the arrival of such vessel at any of the ports or harbours of the Island, appear at the office of the Secretary of the Island and become bound by a bond to be given to our Sovereign Lady Queen Victoria, her heirs and successors, himself in the sum of five hundred pounds with two good and sufficient securities in the sum of two hundred and fifty pounds each. The condition of which bond shall be, that he the said master or commander shall not, nor shall any person acting for him, receive any seaman or mariner belonging to any other ship or vessel while such ship or vessel is in any road or harbour within this Island, to serve on board his vessel, before such seaman or mariner hath been legally discharged. And further, that he the said master or commander, shall not, on departing from this Island, leave behind any seaman or mariner belonging to his said vessel, unless such seaman or mariner shall have been legally discharged. And further, that he the said master or commander shall not depart from this Island with his vessel without having previously cleared out his said vessel at the office of the Treasurer of the Island, and also of the said Harbour Master. And for taking of which bond, the Secretary of this Island is hereby authorized and required to demand the sum of twelve shillings and sixpence; and if the master or commander of any such vessel shall neglect or refuse to give such security within the time aforesaid, he shall forfeit and pay the sum of Fifty Pounds on the complaint of the said Harbour Master or any other person, one moiety thereof to be to the use of the informer and the other moiety to the use of this Island.

26. And be it enacted, That it shall not be lawful for any vessel to clear out of any of the offices of this Island or depart hence, without producing a certificate from the said Harbour Master according to the form of this Act annexed, and that all such rates, duties, and fees, to which such vessel may be liable at the office of the said Harbour Master, have been fully paid and satisfied; and for the granting of such certificate, the said Harbour Master shall as heretofore demand and receive from the owner or owners or master of any such vessel, the sum of eight shillings and fourpence.

27. And be it enacted, That if the master or commander of any vessel shall depart from this Island with his vessel, without having previously cleared out his said vessel at the office of the Treasurer and Store-keeper of the Island, and at the office of the said Harbour Master, complaint thereof may be made to any Police Magistrate or Justice of the Peace, by the said Harbour Master, or any other person against the securities, in the said Secretary's office for such vessel; and upon due proof thereof, the said securities shall forfeit and pay the sum of One Hundred Pounds, and which shall be levied and raised from both, or either of the said securities, as in the case of servants' wages, one moiety thereof to the use of the complainant, and the other moiety to be to the uses of this Island.

28. And be it enacted, That no goods or merchandize shall be shipped or landed from any vessel, of any description, on that side of the carenage commonly called the pier head, unless specially authorized by any Act or Statute of this Island, and that any person or persons who, except as aforesaid, shall ship or land any goods or merchandize on the said pier head, shall forfeit and pay the sum of Ten Pounds.

29. And be it enacted, That from and after the passing of this Act it shall be the duty of the said Harbour Master to keep a register of all droghers and of all boats and wherries engaged in plying for freight or hire in the carenage or Carlisle Bay, and along the shores of this Island,

and the name and residence of the owner or owners thereof respectively, together with the name of the person who shall be the principal hand or cockswain of each and every such drogher, boat or wherry; and some time between the twentieth and thirtieth days of June, and the twentieth and thirtieth days of December in every year the owner of each and every such drogher, boat, or wherry shall in person or by agent appear before the said Harbour Master, and give him such particulars as aforesaid, so as to enable him to register such drogher, boat, or wherry according to the provisions of this Act.

30. And be it enacted, That if any drogher, boat, or wherry shall be engaged in plying for freight or hire, before the name thereof, and the name and residence of the owner thereof, and of the person who shall be the principal hand or cockswain employed in any such drogher, boat, or wherry shall be duly registered in the register book to be kept by the said Harbour Master as aforesaid, pursuant to the provisions of this Act, the owner or cockswain or other principal person engaged therein shall forfeit and pay the sum of Forty Shillings, one moiety thereof to the use of the informer and the other moiety to the public uses of the Island.

Penalty on owners, &c., not registering.

31. And be it enacted, That from and after the first day of January next, it shall not be lawful for the Treasurer to grant a license to any person in respect of any boat or wherry, unless the owner thereof shall produce a certificate from the said Harbour Master, which certificate he is hereby authorized and required to grant gratis, that such boat or wherry hath been duly registered under the provisions of this Act.

License for a boat not to be granted until after registry.

32. And be it enacted, That upon complaint of the said Harbour Master, or any person, to either of the said Police Magistrates of Bridge-Town, that any person employed in any such registered boat or wherry hath refused to work when called upon, or hath used abusive or obscene language, or otherwise hath neglected his duty in carrying or disposing of any fare or luggage on board any such boat, it shall be lawful for such Police Magistrate to inquire into such complaint, and to summon the registered owner or cockswain of such boat or wherry to answer such complaint, and if upon such hearing, such complaint shall be established, it shall be lawful for the said Police Magistrate to fine such owner or cockswain any sum not exceeding Twenty Shillings, and in default of payment to commit such owner or cockswain to the common gaol for a period not exceeding Fourteen Days.

Boatmen refusing to work or using improper language or otherwise neglecting their duty to be fined.

33. And be it enacted, That all and every the fines, forfeitures and penalties incurred under this Act, when no other provisions are made in this Act, shall be to her Majesty, her heirs and successors, for the uses of this Island, and shall be sued for and recovered by the said Harbour Master, by complaint before any one of the Police Magistrates of Bridge-Town, and the same proceedings shall be had thereon as in the case of servants' wages, and the amount thereof applied to the public uses of the Island.

Harbour Master to sue for fines and penalties under this Act, where no other provision is made.

34. And be it enacted, That if the said Harbour Master shall neglect or refuse to prosecute in the manner hereinbefore directed for all and every such fines, forfeitures, and penalties as shall or may be incurred by any person or persons for any breach or violation of the provisions of this Act, such Harbour Master shall be subject and liable to pay a sum not exceeding double the amount of such fine, forfeiture, and penalty which he shall so neglect or refuse to prosecute for, in manner aforesaid, to be recovered on complaint of any person before any one of the Police Magistrates of Bridge-Town, as in the case of servants' wages, one moiety to be paid to the informer and the other moiety to be applied to the public uses of the Island.

Penalty on Harbour Master refusing or neglecting to prosecute.

35. And whereas the situations of Harbour Master, Mole Head Officer, Captain of the Port of Bridge-Town and Quarantine Officer, have for some time past been held by one and the same person, and it is expedient that they should continue to be so held: Be it therefore enacted, That whenever the said situations shall become vacant, it shall be lawful

Harbour Master to be appointed by the Governor and to have a salary of 250*l.*, with 100*l.* for boat hire, &c.

No. 214.
1 August 1850.

See Acts of
23 October 1861
and 31 January
1866.

Bond also to be given
by him for the due
performance of his
duties and the
accounting of his
receipts.

The Governor in
Council to make rules
for the government of
the Harbour Master
and Quarantine
Officer.

for the Governor or Commander-in-Chief of this Island for the time being, to appoint some fit and proper person to fill the same; and every person appointed to the said situations shall be paid quarterly from the Public Treasury, on the warrants of the Governor or Commander-in-Chief in Council for the time being, a salary at the rate of two hundred and fifty pounds per annum, as a remuneration for his services; and a further sum at the rate of one hundred pounds per annum for boat hire, stationery, and all other expenses incident to the said situations. And such person shall give bond before the Governor or Commander-in-Chief in Council, with two good and sufficient persons as sureties, to our Sovereign Lady the Queen, her heirs and successors, wherein he himself shall become bound in the sum of two hundred and fifty pounds, and each surety in the sum of one hundred pounds, conditioned, for the true, just, and faithful performance of all and every the duties, matters, and things required or to be required of him by this or any other Act or Acts of this Island; and also for the just, true, accurate, and faithful accounting every three months with the Treasurer of this Island for the time being, for all such sum and sums of money as shall in any way come to his hands or be received by him to the uses of the public, under the authority of this or any other Act or Acts of this Island. And such person shall, and he is hereby directed and required to account to the Treasurer of the Island for the time being, every three months, for all sums of money which he shall receive from time to time in respect of the said situations of Harbour Master, Mole Head Officer, Captain of the Port, and Quarantine Officer, and he shall forthwith pay over to the said Treasurer all such sums of money as, shall on such accounting be found and ascertained to be in his hands.

36. And be it enacted, That the Governor or Commander-in-Chief for the time being, in Council, shall be and he is hereby authorized from time to time to make such rules and regulations for the better ordering of the said offices of Harbour Master, Quarantine Officer, and Captain of the Port, as he shall deem proper.

Form of Certificate.

No.	No.	Bridge-Town.	18 .
	I do hereby certify that		
Date	Master of the	Tons per Register, has duly	
	cleared at this office, &c., paid all fees, dues, and demands,		
Master	according to the Act	Vic.	Cap.
	days' groundage or harbour dues, at $\frac{1}{2}d.$ $\frac{3}{4}$ ton.		
Vessel	days' loading and unloading at $1d.$ $\frac{3}{4}$ ton.		
	days' careenageing, at $1\frac{1}{2}d.$ $\frac{3}{4}$ ton.		
No. Tons	Harbour Master's Fee,		
Sum paid to	Treasurer.		
		Harbour Master.	

No. 215.
1 August 1850.

No. 215.

1 August 1850.]—AN ACT for facilitating the determining of Differences by Arbitration.

Preamble.

WHEREAS it has been found by experience that references made by rule of Court have contributed much to the ease of the subject in determining of controversies, because the parties become thereby obliged to submit to the award of the arbitrators under the penalty of imprisonment for their contempt in case they refuse submission. Now, for rendering the award of arbitrators the more effectual in all cases, and for the final determination of controversies referred to them :

1. Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery,

Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act it shall and may be lawful for all persons desiring to end by arbitration any controversy, suit, or quarrel, for which there is no other remedy but by personal action or suit in equity, to agree that their submission of their controversy, suit, or quarrel, to the award or umpirage of any person or persons, shall be made a rule of her Majesty's Court of Common Pleas for this Island, and to insert such their agreement in their submission or in the condition of the bond or promise whereby they oblige themselves respectively to submit to such award or umpirage; which agreement being so made and inserted shall or may, upon producing an affidavit thereof made by the witnesses thereunto or any one of them in the said Court, and reading and filing the said affidavit in Court, be entered of record in such Court, and a rule shall thereupon be made by the said Court that the parties shall submit to and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrator or umpire, pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party neglecting or refusing to perform and execute the same or any part thereof, shall be subject to all the penalties of contemning a rule of Court where he is a suitor or defendant in such Court, and the Court on motion shall issue process accordingly, which process shall not be stopped or delayed in its execution by any order, rule, command, or process of any other Court either of law or equity, unless it shall be made to appear on oath to such Court that the arbitrators or umpire misbehaved themselves, and that such award, arbitration, or umpirage was procured by corruption or other undue means.

Parties submitting to have their differences settled by arbitration to be bound thereby, save when the award is proved to have been made unduly.

2. And be it enacted, That it shall be lawful for a Judge at chambers on the application and with the consent of the parties in any action pending in the said Court of Common Pleas, to order that the same shall be referred to the award or umpirage of any person or persons, and such order shall in all respects have the same force and effect as if the said action had been referred by rule of Court in the manner abovesaid; and that the power and authority of any arbitrator or arbitrators or umpire appointed by or in pursuance of any rule of Court or Judge's order in any action now brought or which shall be hereafter brought on, by, or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of the said Court of Common Pleas for this Island, shall not be revocable by any party to such reference without the leave of the said Court or of a Judge, and the arbitrator or arbitrators or umpire shall and may and is and are hereby required to proceed with the reference notwithstanding any such revocation, and to make such award although the person making such revocation shall not afterwards attend the reference; and that the Court or Judge may from time to time enlarge the term for any such arbitrator or arbitrators making his or their award.

Rules as to actions in the Common Pleas referred for arbitration.

3. And be it enacted, That when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for the Judge by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to such rule or order shall be deemed a contempt of Court, if in addition to the service of such rule or order an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators or by the umpire before whom the attendance is required, shall also be served either together with or after the service of such rule or order: Provided always, that every person whose attendance shall be so required shall be entitled to the

Rules as to the attendance of witnesses and the production of documents.

No. 215.
1 August 1850.

payment of the like expenses as for and upon attendance at any trial: Provided also, that the application made to such Court or Judge for such rule or order shall set forth the parish where such witness is residing at the time, or satisfy such Court or Judge that such person cannot be found: Provided also, that no person shall be compelled to produce under any such rule or order any writing or other document that he would not be compelled to produce at a trial or to attend at more than two consecutive days to be named in such order.

Where it is so agreed,
the arbitrators may
take evidence on oath.

4. And be it enacted, That when in any rule or order of reference or in any submission to arbitration containing an agreement that the submission shall be made a rule of Court, it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators or umpire or any one arbitrator, and he or they are hereby authorized and required, to administer an oath to such witnesses or to take their affirmation or declaration in cases where affirmation or declaration is allowed by law instead of oath. And if upon such oath, affirmation, or declaration, any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

Awards procured by
corruption or undue
means to be set aside.

5. And be it enacted, That any arbitration or umpirage procured by corruption or undue means shall be judged and esteemed void and of no effect, and accordingly be set aside so as complaint of such corruption or undue practice be made in the said Court of Common Pleas during the next sitting of the said Court after such arbitration or umpirage be made and published to the parties; anything in this Act contained to the contrary notwithstanding.

No. 216.
1 August 1850.

No. 216.

1 August 1850.]—AN ACT to transfer and annex to the Lunatic Asylum the Land purchased for a Lazaretto, and the Buildings erected thereon, and to authorize the purchase of other Land and the erection of Buildings thereon for the purposes of a Lazaretto.

Preamble.

WHEREAS by an Act of this Island passed the Twenty-fourth day of January, One thousand eight hundred and forty-six, entitled "An Act to provide for the Care and Maintenance of Persons afflicted with Leprosy," the Town Hall Commissioners were authorized to select a fit and convenient spot of land in this Island, without the limits of the city of Bridge-Town, with or without buildings thereon, on which to erect and establish a lazaretto for the reception of persons afflicted with leprosy; and the said Commissioners were authorized to contract for and purchase the same, and to pay the purchase-money by an order on the Treasurer of the Island; and the said spot of land when so purchased was to be conveyed in the manner and for the purposes mentioned in the said Act; and it was thereby provided that the cost of the land and the buildings to be erected thereon should not exceed the sum of two thousand pounds sterling: and whereas in pursuance of the said Act, the said Commissioners selected and purchased a spot of land adjoining the lands of the lunatic asylum, and they proceeded to have buildings erected thereon, but owing to the want of funds occasioned by the embarrassed state of the Public Treasury at the time, the Commissioners were unable to complete the said buildings for the purposes of a lazaretto, and the necessity for increased accommodation at the lunatic asylum having been represented to the Legislature, an Act was passed on the Eighth day of November, One thousand eight hundred and forty-eight, authorizing the temporary fitting up and appropriation of the said buildings so as to

afford the increased accommodation required at the lunatic asylum: and whereas it is deemed expedient to allow the said buildings to remain permanently appropriated for the purposes of the lunatic asylum, and to authorize the selection of some other fit and convenient spot of land on which to establish a lazaretto:

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the said spot of land so as aforesaid purchased for the purposes of a lazaretto establishment and the buildings thereon erected shall be and the same are hereby permanently vested in her Majesty, her heirs and successors, and shall from henceforth form and become part of the establishment for the care and maintenance of lunatics. And the said land and buildings are hereby placed under the permanent control, management, and direction of the Commissioners of Superintendence of the said lunatic asylum, for the increased accommodation of lunatic patients. And all powers, authorities, rules and regulations which apply to the said lunatic asylum, established under the Act of this Island of the Fourth day of June, One thousand eight hundred and forty, shall apply to the aforesaid spot of land and buildings by this Act vested in her said Majesty, her heirs and successors, and placed under the control, management, and direction of the said Commissioners of Superintendence, in as full and ample a manner to all intents and purposes whatsoever, as if the said land and buildings had originally been purchased and erected for the purposes of a lunatic asylum, anything in the said Act of the Twenty-fourth day of January, One thousand eight hundred and forty-six, to the contrary notwithstanding.

The land and buildings erected thereon for a lazaretto are transferred to the Commissioners of the lunatic asylum for the use and accommodation of lunatic patients.

2. And be it enacted, That the said Commissioners of Superintendence of the said lunatic asylum, or any sufficient Board of them, shall be and they are hereby authorized and required to have all and every the buildings by this Act transferred and annexed to the said lunatic asylum, properly finished, fitted up, and furnished for the accommodation of lunatic patients. And for which purpose the Governor or Commander-in-Chief for the time being in Council is hereby authorized and respectfully requested to grant a warrant under his hand to the Treasurer of the Island requiring him to pay to the order or orders of the same Commissioners of Superintendence such sums of money as shall be drawn for by them for the finishing, fitting up and furnishing of the said buildings as aforesaid, not exceeding in the whole the sum of four hundred pounds sterling.

The sum of 400*l.* is authorized for the expense of fitting up the said buildings for the reception of lunatics.

3. And to the intent that the said Town Hall Commissioners may have at their disposal the said sum of two thousand pounds granted for the purposes of the said Act of the Twenty-fourth day of January, One thousand eight hundred and forty-six: Be it enacted, That all sums of money which have been drawn for by the said Town Hall Commissioners under the authority of the said Act shall be transferred by the Treasurer of the Island from the account of the said Town Hall Commissioners for the said lazaretto establishment to the cost of the said lunatic asylum, so that the whole of the said sum of two thousand pounds granted for the said lazaretto, may be at the disposal of the said Town Hall Commissioners for such purpose.

The original sum granted for a lazaretto establishment to be still disposable for that purpose.

4. And be it enacted, That the said Town-Hall Commissioners shall select some other fit and convenient spot of land, with or without buildings, on which to erect and establish a lazaretto, and shall proceed to carry out the provisions of the said Act of the Twenty-fourth day of January, One thousand eight hundred and forty-six, in as full and ample a manner, to all intents and purposes whatsoever, as if they had not yet taken any steps under the said Act.

The Town Hall Commissioners to proceed with the establishment elsewhere of a lazaretto.

No. 217.
24 August 1850.

The parochial treasurer of St. Michael is relieved of the duties of vestry clerk, and an officer to be appointed to perform them with a salary of 30*l.* per annum.

No. 217.

24 August 1850.]—AN ACT to authorize the Vestry of the Parish of St. Michael to appoint a Vestry Clerk.

WHEREAS from the extensive and arduous nature of the duties which the collector of rates and parochial treasurer for the parish of St. Michael has to perform, it is deemed expedient to relieve him of the duties of vestry clerk, and to authorize the Vestry of the said parish to appoint some other person to be their clerk: Be it enacted by the Governor, Council, and Assembly of this Island, That from and after the passing of this Act, the collector of rates and parochial treasurer of the said parish of St. Michael shall be and he is hereby relieved of the duties of vestry clerk; and the said Vestry of the said parish shall from time to time as they may think fit, appoint some other fit and proper person to be their clerk to attend their meetings, and take and keep the minutes of their proceedings, and to do and perform such other acts and things as shall be required of him. And the said Vestry shall be and they are hereby authorized and empowered to allow and pay to the said clerk out of the funds of the said parish a salary not exceeding one hundred pounds per annum.

No. 218.
24 October 1850.

No. 218.

24 October 1850.]—AN ACT to provide for a more extensive and general Education of the People of this Island.

[Clauses 2, 6, 7, and 8 repealed, and Clause 5 had its effect.]

Preamble.
See Act 16 February 1853.

WHEREAS under an Act of this Island passed the Twenty-first day of July, One thousand eight hundred and forty-six, and which expired on the fifth day of July in the present year, the annual sum of seven hundred and fifty pounds sterling was granted from the Public Treasury towards the moral and religious education of the people of this Island, payable quarterly, to the order or orders of the Lord Bishop of this diocese, to defray the salaries of the masters and mistresses of the several and respective schools established and to be established in this Island for the education of the people in the manner in the said Act provided: And whereas it is deemed expedient to promote and provide for a more extensive and general education of the people:

An Education Committee, composed of members of the Legislature is established.

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That for the purposes of this Act, a Committee, to be called "The Education Committee," shall be and is hereby established; and shall be composed of the President of her Majesty's Council, the Speaker of the House of Assembly, two Members of her Majesty's Council, and three Members of the House of Assembly, to be selected and appointed by the Governor or Commander-in-Chief for the time being; any four of whom shall form a Board.

The duties of the Committee in regard to granting money, and visiting and examining schools.

3. And be it enacted, That it shall be the duty of the Education Committee to carry out the provisions of, and the general rules contained in this Act with respect to the application of legislative grants of money; they shall receive applications for aid from schools and award grants thereon, they shall receive and consider the Inspector's reports; and whenever they may deem it expedient, visit and examine any school or schools receiving legislative aid, and draw up annual reports in reference thereto, and lay the same before the Governor or Commander-in-Chief for the time being, for the information of the Legislature.

4. And be it enacted, That the said "Education Committee" shall be authorized to appoint some fit and proper person to be their secretary, at a salary of thirty pounds per annum, to be paid quarterly from the Public Treasury, on the warrants of the Governor or Commander-in-Chief, for the time being, in Council.

No. 218.
24 October 1850.
The Committee to
appoint a Secretary
with 30*l.* per annum.

9. And whereas with the view of encouraging talent and worth when struggling with straitened circumstances, it is expedient that one hundred pounds should be allocated to the establishing three scholarships at Codrington College in this Island: Be it therefore enacted, That an annual sum of one hundred pounds shall from henceforth be charged on the Public Treasury for the purpose of establishing three scholarships of equal value at Codrington College in this Island, not confined to any particular faculty, the qualifications for which to be fixed by the college authorities, and the election to be determined in the usual manner, by examination before them, but none to be candidates but natives or inhabitants of this Island, admitted by the Education Committee, and no scholarship to be held by the candidate obtaining the same for a longer period than three years. And the holder of each scholarship shall, on the production from the Principal of the college, or the person acting as such, of a certificate of his standing as scholar duly elected under this Act, and of his residence during the term for which the allowance is claimed, be entitled to a warrant from the Governor or Commander-in-Chief in Council, on the Treasurer of the Island for payment of the amount of such scholarship, which shall be payable accordingly in three equal parts, one for each college term during which the scholar shall have been in actual residence.

Establishment of
three scholarships at
Codrington College.

No. 219.

No. 219.
5 February 1851.

5 February 1851.]—AN ACT to authorize and enable the Commissioners of the Mole Head to carry out an agreement with the Trustees of the Estate of Francis Thomas Nutt, deceased, with the view to enlarge the Ballast Quay now in course of erection on the Pier Head, City of Bridge-Town, in this Island.

WHEREAS the Commissioners appointed under the authority of an Act of this Island, passed the Twenty-ninth day of August, One thousand eight hundred and forty-eight, entitled "An Act to amend and consolidate certain Acts of this Island relating to the Mole Head, and the collection of Tonnage Duties on Vessels coming to the Island," having caused a survey to be taken of the lands belonging to the pier head, on which a ballast quay is now in course of erection, it was found that an encroachment had been made thereon by means of a building erected on the adjoining lands of the estate of Francis Thomas Nutt, deceased: And whereas it hath been agreed between the said Commissioners and the Trustees of the estate of the said Francis Thomas Nutt, that the question touching such encroachment shall be adjusted by a sale of the land so encroached on, to the parties entitled to the adjoining premises of the said Francis Thomas Nutt; and that the said Trustees shall sell to the said Commissioners a portion of the lands of the said Francis Thomas Nutt, next the carenage, so as to enable the said Commissioners to extend the water front of the said ballast quay for the better accommodation of the public: And whereas it is expedient that the said Commissioners be enabled to carry out the said agreement:

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority

No. 219.

5 February 1851.

The Mole Head Commissioners are authorized to sell a certain portion of the public lands at the pier head, and to buy with the moneys accruing from such sale certain other lands to enable them to extend the ballast quay.

The value of the land in each case to be appraised by a jury.

of the same, That the Commissioners appointed or to be appointed under the authority of the aforesaid Act, or any sufficient Board of them, shall have, and they have hereby given to them full power and authority to sell, grant, and convey for the use of any party or parties entitled to the aforesaid premises of the said Francis Thomas Nutt, deceased, and his, her, or their heirs and assigns, such portion of the lands of the pier head next and adjoining the said premises, and so as aforesaid encroached on, as the said Commissioners or any sufficient Board of them may deem expedient, and the said Commissioners or such Board as aforesaid, shall receive the purchase-money and give discharges, and after applying the same in carrying out the objects of this Act, cause the balance thereof to be paid into the Public Treasury of the Island, and the said Commissioners or any sufficient Board of them, shall by and out of the money arising from such sale as aforesaid, complete the purchase from the said Trustees of the estate of the said Francis Thomas Nutt, of such portion of the lands of the said estate adjoining the said lands of the pier head, as will enable them to extend the water front of the said ballast quay in the manner contemplated as aforesaid, and to cause the same to be conveyed to them the said Commissioners and their successors in trust for the use of the public of this Island.

2. And be it enacted, That the value of the lands so as aforesaid to be respectively sold and purchased, shall, if necessary, be ascertained by a jury to be summoned and held in the manner prescribed by the Act of this Island directing the mode of proceeding in the laying out of roads; and either one of the said Commissioners shall administer the oath required to be taken on the occasion by such jury.

No. 220.

19 February 1851.

No. 220.

19 February 1851.]—AN ACT for promoting the Public Health of this Island.

[Clauses 4 & 6 have been repealed.]

Preamble.

WHEREAS cholera is prevailing in the Island of Jamaica to an alarming extent, and it is fit that every precaution should be used to guard against its introduction into this Island: And whereas experience has proved that in all places where cleanliness has not been attended to, the ravages of this malignant disease have been the most extensive and fatal: And whereas it having been found that there are numerous accumulations of filth in Bridge-Town in consequence of the great number of pigs kept in the town, and the Board of Health having given it as their opinion that the keeping of these animals should not be permitted in the town, the interference of the Legislature has become necessary for the protection of the health and lives of the inhabitants of this Island:

Penalty on persons keeping swine in Bridge-Town or any other town after one month from the passing of the Act.

1. Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the expiration of one month from the passing of this Act it shall not be lawful for any person to keep any pig, hog, or other description of swine in the city of Bridge-Town or in any other of the towns of this Island, and any person offending herein shall for every offence forfeit a sum not exceeding Fifty Shillings nor less than Ten Shillings for every pig, hog, or other description of swine so kept, one-half to the use of the informer and the other half to be applied as hereinafter provided.

Penalty on nuisances from stagnant water or cesspools.

2. And be it enacted, That if the owner or occupier of any house within any town or village of this Island shall suffer any waste or stagnant water to remain in any cellar or place within or attached to such

house, or if any person allows the contents of any watercloset, privy or cesspool, to overflow, or soak therefrom, such owner, occupier or person, shall, for every such offence, be liable to a penalty not exceeding Thirty Shillings, and to a further penalty of Ten Shillings for every day the offence is continued. And the Commissioners of Health appointed as hereinafter provided for the parish in which the nuisance exists shall abate or cause the same to be abated; and the expenses incurred by them in so doing, shall be repaid to them by the occupier of the premises upon which the nuisance exists, and be recovered in a summary manner as in the case of servants' wages.

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Nuisance how to be abated and at whose cost.

3. And be it enacted, That the owners or occupiers of houses within any of the towns or villages of this Island (whether such villages be public or confined to plantations or estates for the accommodation of the peasantry) shall at all times keep the same, and the yards and enclosures thereto attached, clean and clear of filth or decayed or offensive animal matters under a penalty not exceeding Forty Shillings.

Penalty on persons not keeping their houses and yards clean.

5. And whereas it is expedient that Commissioners of Health be appointed in the several parishes of this Island for enforcing sanitary measures: Be it therefore enacted, That the representatives for the time being of the city of Bridge-Town, and the representatives for the time being of the parish of Saint Michael, shall be, and they are hereby appointed Commissioners of Health for the said parish. And the representatives for the time being of the several other parishes shall be and they are hereby appointed Commissioners of Health for their respective parishes, and the respective vestries of the several parishes shall, and they are hereby authorized and empowered to nominate and appoint from time to time as there may be occasion not less than five of their own body to be Commissioners of Health for their respective parishes. And the Commissioners of Health so to be appointed shall associate themselves with the Commissioners by this Act appointed for their respective parishes. And the said several Commissioners shall be, and they are hereby authorized and required to see that the rules and regulations of the Board of Health and the bye-laws of their respective Vestries are duly observed within their respective parishes, and it shall be the duty of the said Commissioners of Health to take care that the streets, lanes, alleys, squares and other places of the several towns and villages within their respective parishes are properly swept, cleansed, and watered, and that all dust, ashes, rubbish, filth, dung, and soil thereon are collected and removed.

Appointment of Commissioners of Health.

Limited to five,
Act 17 February 1853.

Their duties.

7. And be it enacted, That the said Commissioners of Health shall drain, cleanse, or fill up, or cause to be drained, cleansed, or filled up all ponds, pools, open ditches, sewers, drains or places within the towns and villages of their respective parishes containing or used for the collection of any drainage, filth, water, matter or thing of any offensive nature in or likely to be prejudicial to health, and they shall cause written notice to be given to the person causing any such nuisance, or to the owner or occupier of any premises whereon the same exists, requiring him, within a time to be specified in such notice, to drain, cleanse, cover, or fill up any such pond, pool, ditch, sewer, drain, or place, or to construct a proper sewer or drain for the discharge thereof, as the case may require; and if the person to whom such notice is given fail to comply therewith, the said Commissioners of Health shall execute the works referred to or mentioned therein, and the expenses incurred by them in so doing shall be recovered by them in a summary manner as aforesaid: Provided always, that the said Commissioners may, if deemed expedient, order the whole or a portion of the expenses incurred in respect of any such last-mentioned works to be defrayed out of the funds at their disposal under the provisions of this Act.

Commissioners of Health to have nuisances removed or filled up.

How the expense is to be defrayed.

8. And be it enacted, That the said Commissioners and Inspectors of Health, or any one or more of them may, and they are hereby empowered, at reasonable times, with or without assistants, to enter

The Commissioners and Inspectors of Health empowered to enter houses and other

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premises to see that they are kept clean, and that lime-washing is carried out where necessary.

into and inspect any houses, stores, shops, buildings, stalls, or places within any of the towns or villages of their respective parishes (whether such villages be public, or confined to plantations or estates for the accommodation of the peasantry), and see that the same and the yards or enclosures thereto attached are kept clean and clear of filth, or decaying or offensive animal matters, and give the necessary directions for that purpose. And where lime-washing ought to be resorted to in respect of such houses, stores, shops, buildings, stalls, or other places, the said Commissioners and Inspectors of Health shall see that the same is effectually carried out within such time as may be appointed for such purpose, or it shall be lawful for the said Commissioners of Health to cause such lime-washing to be effected in such other manner as the Inspector or Inspectors of Health of the parish may think best; and where it shall appear to the said Commissioners of Health, that the circumstances of any of the parties whose premises ought to be lime-washed are such as to render them unable to meet the expenses attending the same, then and in such cases, the expenses shall be defrayed out of the funds at the disposal of the said Commissioners of Health under the authority of this Act. But if it shall appear to the said Commissioners of Health, that parties whose premises may be lime-washed by the order of the said Commissioners of Health, are able to repay the expenses incurred, a statement thereof shall be delivered to such parties and payment demanded, and in default of payment the amount shall be recovered in a summary manner as aforesaid.

How the expense is to be defrayed.

Powers of the Commissioners and Inspectors of Health in regard to meat and fish unfit for food.

Penalty on sale thereof.

9. And be it enacted, That the said Commissioners and Inspectors of Health, or any one or more of them may, and they are hereby empowered at all reasonable times, with or without assistants, who may be appointed by the said Commissioners for this purpose, to enter into and inspect any shops, stores, buildings, stalls, or places kept or used for the sale of butcher's meat, fresh or salted meats of any kind, or fresh or salted fish, and also to enter into any slaughter-house, and to examine any animal carcass, meat, flesh, or fish, intended for the food of man; and if it shall appear that the same is unfit for such food the same may be seized, and if it appear to a Justice of the Peace or Police Magistrate, upon the evidence of a competent person, who may be appointed by the said Commissioners for this purpose, that any such animal carcass, meat, flesh, or fish is unfit for the food of man, he shall order the same to be destroyed, or to be disposed of, as to prevent its being exposed for sale or used for such food; and the person to whom such animal, carcass, meat, flesh, or fish belongs, or in whose custody the same is found, shall be liable to a penalty not exceeding Forty Shillings for every such animal, carcass, fish, or piece of meat, flesh, or fish so found.

In case cholera appears, the Board of Health is authorized to establish dispensaries.

10. And be it enacted, That should cholera appear in any part of the Island, it shall be lawful for the Board of Health to establish dispensaries in such localities as they may deem expedient; and to have the same properly supplied with medicines and other necessities for the use of the sick, and to certify the expenses to the Governor and Council, who are hereby authorized and empowered to issue warrants to the Treasurer of the Island for payment of the same.

The Vestries in case of over-crowding in the churchyards to provide other places of interment.

11. And be it enacted, That if it appear to the Board of Health that the mortality in any of the parishes shall at any time be such as to make it unsafe to the public health to inter the bodies of the dead in the burial grounds of any of the churches or chapels, the Vestries of such parishes shall provide some other fit and proper grounds for that purpose. And the Commissioners of Health may provide for the removal of the bodies of the poor, and shall take care that the same are decently interred and all due precautions used to prevent the spread of infection therefrom.

Public officers to be assisting in carrying out the Act.

12. And be it enacted, That all Justices of the Peace, police officers and Constables shall be aiding and assisting in carrying out the provisions and objects of this Act. And if any violation of any of its provisions, or

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of any rules, orders, directions or bye-laws to be made in pursuance thereof, shall become known to any of them, he or they shall forthwith make a report thereof to some one of the said Commissioners or Inspectors of Health.

13. And whereas it is expedient that further and more effectual provisions should be made to prevent the spread of epidemic, endemic, and contagious or infectious diseases amongst the dense population of this Island: Be it therefore enacted, That if any part of this Island be threatened with or affected by any epidemic, endemic, or contagious or infectious disease, it shall be lawful for the Board of Health to make and give such orders and directions as by them may be deemed necessary for the prevention or mitigation of any such disease, and from time to time in like manner revoke, renew, and alter any such orders and directions, and substitute such new orders and directions as to such Board may appear expedient. And the said Board may by any such orders and directions require the Commissioners and Inspectors of Health of the several parishes, to superintend, aid or execute such orders and directions. And all such orders and regulations shall forthwith be reported by them to the Governor or Commander-in-Chief for the time being for his approval and sanction. And if any person shall violate any of the said rules or directions, he or she shall forfeit a sum not exceeding Ten Pounds.

In case of threatened disease, the Board of Health to make orders for its prevention or mitigation.

Orders to be approved by the Governor. Penalty on violation thereof.

14. And be it enacted, That if any person shall violate any of the rules or regulations made or to be made by the Board of Health under the authority of this Act or of any other Act or Acts of this Island now in force or to be hereafter passed for preventing the spread of epidemic, endemic, or contagious or infectious diseases, or for the observance of quarantine, for the punishment of which there shall be no special provision, the offender shall be liable to a penalty not exceeding the sum of Ten Pounds.

General penalty on violation of rules of the Board of Health.

15. And be it enacted, That if any person shall violate any bye-law of any Vestry made, confirmed, and published as aforesaid, or shall refuse to observe any directions given to him by the Commissioners and Inspectors of Health, under the authority and for the purposes of this Act, such person shall, for every such offence, be liable to a penalty not exceeding the sum of Five Pounds.

Penalty on violation of Vestry bye-laws. Clause 4 authorizing Vestry to make bye-laws repealed.

16. And be it enacted, That whosoever wilfully obstructs any Commissioner or Inspector of Health or any officer or person duly employed in the execution of this Act, or destroys or pulls down, injures or defaces any board upon which any bye-laws, notice, or other matter is inscribed, shall, if the same were set up by the authority of the Commissioners of Health of any parish, or by the Board of Health, be liable for every such offence to a penalty not exceeding Forty Shillings.

Penalty on obstruction of officers under this Act, and for defacing boards with notices.

17. And be it enacted, That the penalties and forfeitures under this Act shall be to her Majesty, her heirs and successors, and shall be recovered with costs before any Justice of the Peace or Police Magistrate in a summary manner, as in the case of servants' wages; and when not otherwise applied shall be for the uses and purposes of the respective parishes in which the offence was committed; and where not otherwise provided, complaint for recovery thereof may be made by any Commissioner or Inspector of Health, or by any other person whomsoever.

Recovery and appropriation of penalties under this Act.

18. And be it enacted, That for the purposes of this Act, the respective Vestries of the several parishes shall place at the disposal of their respective Commissioners of Health, such sums of money as they may from time to time deem expedient to grant from the parochial funds. And the said Vestries shall be, and they are hereby fully authorized and empowered to defray from their parochial funds, all other expenses which may be incurred in carrying the provisions and objects of this Act into effect within their respective parishes, and if necessary, it shall be lawful

Expenses of the Commissioners of Health to be defrayed by the Vestries, who are authorized to make special rates to meet them. See Clause 2 of Act 17 February 1853.

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for the said Vestries to set and make special rates on the inhabitants and others of their parishes who are by law liable to be rated for general parochial purposes, and such special rates may be set and made at the time of setting and making the general rates of their parishes, or at any other time or times, as the exigencies of the case may require, and which special rates on being published and confirmed in such and the like manner, as the general rates of the parish are by law required to be published and confirmed, shall be collected and raised in such and the like manner as the general rates of the parish.

Penalty on giving false evidence.

19. And be it enacted, That every person who upon any examination on oath under the provisions of this Act shall wilfully and corruptly give false evidence shall be liable to the penalties inflicted upon persons guilty of wilful and corrupt perjury.

Interpretation clause.

20. And be it enacted, That the words used in this Act importing the masculine gender, shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, and the word "Governor" to mean the officer administering the government for the time being of this Island; and the word "Oath," shall include affirmation, declaration, affirming, and declaring, in case of persons by law allowed to declare or affirm instead of swearing.

Duration of Act limited to two years; continued to 18 Feb. 1856, by Act 17 Feb. 1853.

21. And be it enacted, That this Act shall be and continue in force for two years from the date of the passing thereof, and no longer.

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No. 221.

25 February 1851.]—AN ACT for shortening the Language, used in Acts of the Legislature of this Island.

Acts may be altered in the same Session.

Be it enacted by His Excellency Sir William Macbean George Colebrooke, Knight, Colonel in Her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor, and Commander-in-Chief, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That every Act to be passed after the commencement of this Act may be altered, amended or repealed in the same Session of the Legislature, any law or usage to the contrary notwithstanding.

Acts to be divided into sections.

2. Be it enacted, That all Acts shall be divided into sections, if there be more enactments than one, which sections shall be deemed to be substantive enactments without any introductory words.

Where any Act shall be referred to it shall be sufficient to cite its year, &c.

3. Be it enacted, That in any Act where any former Act is referred to, it shall be sufficient to cite the year in which it was made, and where there are more Statutes than one in the same year, the Statute, and where there are more chapters than one, the chapter, without reciting the title of such Act or the provision of such section so referred to; and the reference in all cases shall be made according to the copies of Statutes printed under the authority of the Legislature of this Island: Provided that where it is only intended to amend or repeal any portion only of such section, it shall be necessary still either to recite such portion or to set forth the matter or thing intended to be amended or repealed.

Interpretation of certain words.

4. Be it enacted, That in all Acts, words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural, and the plural the singular, unless the contrary as to gender or number is expressly provided, and the word "month" to mean calendar month, unless words be added showing lunar month to be intended; and "parish" shall be held to mean also any town therein, unless such extended meaning is expressly excluded by words; and the word "land" shall include messuages, tenements, and hereditaments, houses and buildings of any tenure, unless where there are words to exclude houses and buildings, or to restrict the meaning to tenements of

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some particular tenure; the words "Governor" or "President" of this Island to mean the officer administering the government for the time being of this Island; and the words "oath," "swear," and "affidavit," shall include affirmation, declaration, affirming and declaring, in the case of persons by law allowed to declare or affirm instead of swearing.

5. Be it enacted, That where any Act repealing in whole or in part any former Act is repealed, such last repeal shall not revive the Act or provisions before repealed, unless words be added reviving such Act or provisions. Repealed Acts not to be revived in virtue of the repeal of the repealing Act.

6. Be it enacted, That whenever any Act shall be made repealing in whole or in part any former Act, and substituting some provision or provisions instead of the provision or provisions repealed, such provision or provisions so repealed shall remain in force until the substituted provision or provisions shall come into operation by force of the last-made Act. Repealed provisions of any Act to remain in force until substituted provisions come into force.

7. Be it enacted, That every Act made after the commencement of this Act shall be deemed and taken to be a public Act and shall be judicially taken notice of as such unless the contrary be expressly provided and declared by such Act. Acts to be deemed public Acts.

8. Be it declared and enacted, That this Act shall commence and take effect from and immediately after the commencement of the next Session of the Legislature of this Island. Commencement of the Act.

No. 222.

No. 222.
25 February 1851.

22 February 1851.]—AN ACT to authorize the sale of a portion of the Glebe Lands of the Parish of St. Michael, in order to enlarge the Site for a New Prison.

WHEREAS in and by an Act of this Island passed the Fourteenth day of September, One thousand eight hundred and forty-seven, entitled "An

"Act to appropriate the Funds set apart by two certain Acts of this Island for the Erection of a Sessions House, in reconstructing the Buildings now used as a Common Gaol into a Court House, and to the Erection of a new Prison," the Town Hall Committee are directed to select a fit and proper site for the erection of a new prison, with a sufficient quantity of land thereto attached, not exceeding in the whole twenty acres, in the vicinity of the police station, District A, subject to the approval and confirmation of the Governor and Commander-in-Chief, and to have the same conveyed to her Majesty, her heirs and successors, for the use of the public of this Island: And whereas the said Town Hall Committee have under the authority of the said Act, selected and purchased from James Barclay a spot of land in the vicinity of the said police station, District A, containing nine acres, and they have selected for the purpose of being added thereto, a portion of the glebe lands of the parish of Saint Michael, comprising two acres one rood and twenty-four perches, and the value thereof has been fixed by the said Town Hall Committee and the Rector of the said parish, at the sum of one hundred and fifty-three pounds sixteen shillings and elevenpence: And it is expedient that the Rector of the said parish of Saint Michael, with the consent of the Patron or Bishop of the diocese, be authorized to convey the said spot of land to her Majesty, her heirs and successors, for the purposes of the said Act: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That, from and after the passing of this Act it shall be lawful for the Rector of the said parish of

Part of the glebe land of St. Michael's parish being required for the site of a new gaol, authority is given for the conveyance of the land and for the investment of its value for the benefit of the Rector and his successors.

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Saint Michael, with the consent of the Patron and Bishop of the diocese, to execute a conveyance for the said spot of land to her Majesty, her heirs and successors, for the purposes of the aforesaid Act; and such conveyance shall be binding on the said Rector and his successors. And the Treasurer of the Island shall, on being furnished for that purpose with the warrant of the Governor or Commander-in-Chief in Council, pay out of the sum of money referred to in the aforesaid Act, the said sum of one hundred and fifty-three pounds sixteen shillings and elevenpence to the Archdeacon of Barbados, and the Rector of the said parish of St. Michael, who are hereby required to invest the said sum of money in the purchase of other lands and hereditaments for the benefit of the said Rector and his successors, Rectors of the said parish of Saint Michael, as shall be sanctioned by the Patron and Bishop of the diocese: Provided always, that nothing in this Act contained shall extend or be construed to extend to affect the rights of her most gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any persons whomsoever, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 223.
25 February 1851.

No. 223.

25 February 1851.]—AN ACT for vesting the Buildings and Lands of the several Signal Stations belonging to this Island in the Principal Officers of the Ordnance, and for providing an annual grant of Two Hundred Pounds from the Public Treasury towards maintaining the same.

See Act of
29 November 1864.
Preamble.

WHEREAS the expenses attending the keeping in repair of the buildings at the several signal stations belonging to this Island called Gun-Hill, Moncrieffe, Cotton Tower, Dover Fort, and Grenade Hall are defrayed from the Public Treasury, and the cost of maintaining the signal men borne by her Majesty's Government: And whereas an arrangement has been entered into between the Colonial Legislature and her Majesty's Government, by which it is agreed that the whole of the buildings and lands connected with the said several stations shall be transferred to the officers of the Ordnance department, who will be prepared to defray the whole charge of maintaining them, upon the condition that the Colonial Legislature shall make an annual grant of two hundred pounds towards that service: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That all and every the buildings and lands belonging to this Island connected with the said several signal stations called Gun-Hill, Moncrieffe, Cotton Tower, Dover Fort, and Grenade Hall, together with the rights, members, easements and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the principal officers of her Majesty's Ordnance in Great Britain and their successors in the said office.

The several signal
stations and the lands
and buildings belong-
ing to them are vested
in the Ordnance.

No. 224.
16 July 1851.

No. 224.

16 July 1851.]—AN ACT to incorporate the "Barbados Mutual Life Assurance Society."

Preamble.
The Members of the
"Barbados Mutual
Life Assurance

WHEREAS the Society denominated "The Barbados Mutual Life Assurance Society" hath been established for some years in this Island, and hath been attended with great benefit to many of the inhabitants thereof:

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And the said Society hath accumulated considerable funds, and for the better securing of the same the members thereof have petitioned the Legislature of this Island to incorporate the said Society: And as it appears that the granting the prayer of the said petition would tend to the stability and permanence of the Society and the good of the community,—We your Majesty's dutiful and loyal subjects, the Governor, Council and Assembly of this your Majesty's Island of Barbados do humbly beseech your Majesty that it may be enacted, and be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island and by the authority of the same, That—

Society" having petitioned the Legislature to incorporate the said Society,

1. Persons who now are or shall hereafter become members of said Society shall be and they are hereby declared and adjudged to be one body politic and corporate by the name of "The Barbados Mutual Life Assurance Society," and by that name shall have perpetual succession and a common seal; and shall sue and be sued in all Courts and before all Justices and others; and shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends and purposes of said Society all such goods, chattels, and effects, sums of money, mortgages and other securities for money as have been by them purchased or accumulated, or which shall at any time hereafter be purchased or accumulated by the said Society, of what nature, value or amount whatsoever; to and for the ends and purposes of said Society. And all mortgages and other securities for money held in the names of Trustees of said Society shall be and the same are hereby declared to be transferred to and vested in the said Society and its successors in the corporate name of the said Society, as fully as if the same had been assigned and transferred by the Trustees in whose names the same are now held to the said Corporation. And the said Corporation shall have full power to assign, transfer and dispose of all such mortgages, and other securities to which they shall be entitled, as the said Corporation shall think proper. And the said Corporation and their successors by the name aforesaid shall for ever hereafter be persons able and capable in the law to purchase, have, hold, receive and enjoy to them and their successors, messuages, lands, rents, tenements and hereditaments of what nature or kind soever, in fee and in perpetuity or for terms of lives or years, not exceeding at any one time the yearly value of ten thousand pounds. And the said Corporation shall have full power to sell, grant, demise, exchange and dispose of any of said messuages, lands, rents, tenements and hereditaments whereof or wherein they shall have any estates or interests.

are declared to be one body politic and corporate, &c.

Able and capable to hold and receive goods, chattels, &c.

Mortgages, &c., now held by the Trustees vested in the said Society in its corporate name.

With power to assign the same.

And to be capable to hold messuages, lands, hereditaments, &c.

And to sell and dispose of the same.

2. It shall be lawful for the said Corporation or the major part of them present at any half-yearly or other meeting to be held according to the present constitution of the said Society, or as the same may be hereafter altered by the said Corporation, in addition to the rules and regulations at present by them established, to make, ordain and constitute such and so many bye-laws, constitutions and ordinances for the transaction of the business of the said Society and the government of the affairs thereof; and the said rules and regulations, bye-laws, constitutions and ordinances so as aforesaid already made or to be made, from time to time, to alter, amend or annul: Provided the same be reasonable and not contrary or repugnant to the laws of this Island or the laws or statutes of Great Britain and Ireland in force in this Island.

Corporation at half-yearly meetings may in addition to the present rules make bye-laws, constitutions and ordinances.

3. The said Corporation shall have and be invested with all and every the powers and authorities whatsoever for preferring any indictment, information, or other criminal proceedings; or for the commencing or carrying on any action, suit, or other proceeding at law or in equity against any individual member of the said Society against whom the said Society may have any claim or demand, or against any other

Corporation invested with power to prefer indictments and carry on suits at law or in equity.

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person or persons whomsoever, as fully as the Secretary and Directors of the said Society have under the Act of this Island of the 12th August, 1845.

No. 225.
24 July 1851.

No. 225.

24 July 1851.]—AN ACT to alter and amend the Act respecting the Fees of the Rectors, Clerks and Sextons of the several Parish Churches of this Island.

Preamble.

WHEREAS by an Act passed the Twenty-ninth day of March, One thousand eight hundred and twenty-six, it was enacted that the rectors or incumbents and the clerks and sextons of the several parish churches of this Island should, and might ask, demand and receive to their own uses as their perquisites and fees, the respective sums set down in the docket of fees thereto annexed, and in default of payment thereof the same should and might be recovered on complaint before any Justice of the Peace as in case of servants' wages: And whereas it is very desirable that the fees authorized to be demanded and recovered by the present rectors or incumbents of the several parish churches, under the provisions of the recited Act, should be commuted for fixed annual sums to be paid to them in lieu thereof; and that no future rector or incumbent should be entitled to demand or recover by process of law any fee whatsoever for the performance of the services of the Church: And also that the clerks and sextons of the several parish churches who shall be appointed after the passing of this Act should be paid by fixed salaries in lieu of fees: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

After the passing of this Act, Rectors or Incumbents of parishes not entitled to any fee for performing any of the services of the Church.

1. After the passing of this Act no rector or incumbent of any parish church in this Island shall be entitled to demand or recover by process of law any fee for the performance of any of the services of the Church; anything in the recited Act to the contrary thereof notwithstanding.

Rectors or officiating clergymen and churchwardens within 30 days to return to the Secretary of the Island, statements of the number of marriages and burials during 10 years ending 31 December 1850. The Secretary to make up an average of the annual value of such fees, and lay the same before the Governor-in-Council. —Rectors or Incumbents thereof entitled to 50 per cent. per annum of such average annual value.

2. The rectors or officiating clergymen and the churchwardens of the several parishes of this Island shall within thirty days after the passing of this Act return to the Secretary of the Island accurate statements of the number of marriages and burials solemnized within their respective parishes during ten years ending on the thirty-first of December last, and the amount of fees in respect thereof to which the respective rectors or incumbents of the said several parishes may have been entitled under the provisions of the recited Act. And the said Secretary shall forthwith make up an average of the annual value of such fees, and shall lay the same before the Governor-in-Council, and the said rectors or incumbents shall thereupon become entitled to be paid from the Public Treasury of this Island at the rate of fifty per cent. per annum of such average annual value as commuted allowances for such fees during their incumbency of said parishes, commencing from the day of the passing of this Act, and Warrants in Council shall be issued quarterly by the Governor to the Treasurer of the Island for payment of such commuted allowances at the time of paying the annual stipends of such rectors or incumbents.

When the office of clerk or sexton in any parish may become vacant, the Vestry to provide a proper salary for the person elected to fill the

3. Whenever the office of clerk or sexton respectively may become vacant in any of the said parishes, the Vestry of such parish shall provide out of the parochial funds a fit and proper salary for the person elected to fill such vacancy; and such person shall not be entitled to demand or recover by process of law any fee whatever, anything in the recited Act to the contrary notwithstanding.

4. Provided the rectors or incumbents and clerks of parishes shall be entitled to demand and receive as heretofore the fees mentioned in the docket of the recited Act for certificates of baptisms, burials and marriages and for searching the registers for the same.

No. 225.
24 July 1851.

vacancy—who is not to be entitled to any fee whatever. Rectors or Incumbents entitled to fees for certificates of baptisms, &c., and for searching registers.

No. 226.

1 August 1851.]—AN ACT for the reduction and better regulation of the Militia Tax.

No. 226.
1 August 1851.

WHEREAS by the Militia Act of this Island—1839, clause twenty-one— Preamble.

It was enacted that every person possessed of five acres of land or more, or of a house or houses within any part of this Island, of the yearly rent or value in the whole of thirty pounds the then current money, should in every year within the time therein mentioned, pay into the Public Treasury for each and every acre the sum of one shilling and sixpence three farthings said current money, and at the rate of threepence like current money, in the pound, upon the rent of such house or houses: But it was declared by a proviso to said clause, that every person possessed of land or houses who served in his own person or purchased his exemption, should for the first thirty acres of land or rent or value of one hundred pounds per annum, be exempted from the tax in respect of the first thirty acres or the rent or value of one hundred pounds per annum, and should only be liable in such case for the tax for each acre exceeding thirty acres and for the yearly rent or value over and above one hundred pounds: And whereas it is deemed expedient to reduce said tax during the continuance of the import duties, and to subject all lands not less than one acre and all rents of houses not less than the sum of ten pounds per annum to the reduced tax, without exemption or remission: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

It being deemed expedient to reduce and better regulate the tax laid by the Militia Act of 1839,

1. Instead of the tax aforesaid, every person possessed of not less than one acre and of a house or houses not less than of the rent or value of ten pounds per annum, shall, without exemption or remission, and within the time mentioned in said clause of the recited Act, pay into the Public Treasury at the rate of eightpence for each acre, and at the rate of twopence in the pound upon the annual rent or value of such house or houses, and in default of payment the same to be recovered as provided in the recited Act.

persons possessed of not less than one acre of land or a house or houses of not less than the value of 10*l.* per annum, to pay 8*d.* on each acre of land, and 2*d.* in the pound on the rent of houses.

2. The powers and authorities given to the Vestries of the Parishes of this Island by the twenty-third clause of the recited Act for ascertaining the number of acres of land and the number of houses within their respective parishes, for the purpose of being assessed, shall with reference to this Act be exercised and performed in the present year within ten days after the passing of this Act, and the returns required to be made to the Treasurer of the Island, by the twenty-fourth clause of the said Act, shall in the present year be made within twenty days after the passing of this Act.

The powers of the Vestries under the 23rd clause of the Militia Act to be exercised this year within ten days from the passing of this Act, and the returns to be made to the Treasurer within 20 days.

3. This Act shall continue in force during such time as import duties shall be levied on goods coming to the Island.

Act to continue in force during such time as import duties are levied. Acts to be construed together.

4. The said recited Act and this Act shall be construed together.

No. 227.
13 August 1851.

No. 227.

13 August 1851.]—AN ACT to give to the Police Magistrates of the City of Bridge-Town and Speight's-Town exclusive jurisdiction in matters of Summary Convictions under "The Mercantile Marine Act, 1850," and the "General Merchant Seaman's Act."

Preamble.

It being expedient to give to the Police Magistrates of Bridge-Town and Speight's-Town exclusive jurisdiction in summary proceedings under "The Mercantile Marine Act, 1850," and "The General Merchant Seaman's Act:"

WHEREAS by the one hundred and seventh section of "The Mercantile Marine Act, 1850," of the Imperial Parliament, it is enacted, That all penalties and other sums of money thereby made payable or recoverable may be recovered, with costs, and all offences thereby made punishable otherwise than solely as misdemeanors, may be prosecuted and punished, and the costs of such prosecution recovered by some appropriate summary proceeding before one or more Justice or Justices, Sheriff or Sheriffs, or other officer or officers exercising a similar jurisdiction in any part of her Majesty's dominions: And by the one hundred and twentieth section of the said Act it is enacted that the respective legislative authorities in her Majesty's colonies and possessions abroad may by any acts, orders, or other appropriate means, appoint any functionaries to perform any of the duties and exercise any of the powers within their respective jurisdictions which are by the said recited Act or by the "General Merchant Seaman's Act" committed to Justices, officers of Customs or other public servants, and may direct in what manner the offences thereby made punishable shall be prosecuted and punished, and in what manner the penalties thereby imposed and sums of money thereby made recoverable shall be recovered in places within their respective jurisdictions: And whereas it is expedient to give to the Police Magistrates of the city of Bridge-Town and of Speight's-Town in this Island exclusive jurisdiction in all matters of summary proceeding and conviction under the said recited Act and the "General Merchant Seaman's Act" of the Imperial Parliament: Be it therefore enacted, by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

They are appointed sole functionaries to perform the duties which are committed to Justices by the said Acts.

1. The Police Magistrates for the city of Bridge-Town and the Police Magistrate of Speight's-Town are hereby appointed the sole functionaries to perform the duties and exercise the powers within this Island which are by the said recited Act and the "General Merchant Seaman's Act" committed to Justices. And all such duties and powers shall within this Island be performed and exercised solely and exclusively by the said Police Magistrates of Bridge-Town and the Police Magistrate of Speight's-Town.

Such duties may be performed by any one or more of the said Police Magistrates. Penalties, &c., recovered as in case of servants' wages.

2. The said duties and powers may be performed and exercised by any one or more of the said Police Magistrates.

3. The penalties and sums of money shall and may be recovered as in the case of servants' wages.

No. 228.
21 August 1851.

No. 228.

21 August 1851.]—AN ACT to amend the Act for the Government of the Poor and the Prevention of Bastardy, 1838.

Preamble.

WHEREAS by the third section of the Act of this Island for the government and better ordering of the poor and the prevention of bastardy, June 1838, it was enacted that the fathers and grandfathers, mothers and grandmothers, and the children of any poor, old, lame, blind impotent person, or other poor person not able to work, being of sufficient ability to maintain the same, should relieve and maintain at their own charge and expense such poor person, in such manner and according to that rate as

by the Justices of the Peace of the parish where such sufficient person should dwell, or the greater number of them at their General Quarter Sessions, should be assessed, upon pain that every one of them should forfeit a sum not exceeding Twenty Shillings for every month which they should fail therein: And whereas it is expedient that the powers given by the said sections to Justices of the Peace acting at their General Quarter Sessions should be extended: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

It being expedient that the powers given to Justices of the Peace at their General Quarter Sessions under the Act of June, 1838, be extended:

1. It shall be lawful for any Police Magistrate to exercise within his parish the powers given by the third section of the said recited Act to the Justices of the Peace of the parish at their General Quarter Sessions; and such powers shall and may be exercised by any one or more of the Police Magistrates of the city of Bridge-Town within the limits of their jurisdiction; but the powers hereby given to the Police Magistrates shall not annul or impair the powers given to Justices of the Peace by the said recited Act.

Such powers may be exercised by any of the Police Magistrates within their parish or jurisdiction.

2. Orders made for payment of money and penalties incurred under the said recited Act shall be enforced, levied, and raised as in the case of servants' wages.

Orders for payment of money, &c., to be enforced as in case of servants' wages.

3. If any poor destitute person shall be found in a parish in which he has not a settlement, the Churchwarden of such parish shall grant him relief until he can be removed to the parish in which he has a settlement, and the relief so granted shall be repaid to such Churchwarden by the Churchwarden of the parish in which such poor destitute person has a settlement.

Relief to be granted by the Churchwarden to any destitute person without a settlement found in a parish, and the amount to be repaid by the Churchwarden of the parish to which he belongs.

4. Whereas the mode of appointing the Guardians and Overseers of the poor referred to in the recited Act is not therein provided for—therefore the vestries of the several parishes of this Island shall from time to time appoint three or more of their body to be Guardians and Overseers of the poor of their respective parishes in addition to the Churchwarden.

Vestries to appoint three or more of their body to be guardians and overseers of poor.

5. The said recited Act and this Act shall be construed together as one Act.

The Act of June 1838 and this Act to be construed together.

No. 229.

No. 229.
21 August 1851.

21 August 1851.]—AN ACT for the removal of defects in the administration of Criminal Justice.

[Clauses 1, 2 & 3 repealed.]

WHEREAS the technical strictness of criminal proceedings might in some instances be further relaxed so as to insure the punishment of the guilty without depriving the accused of any just means of defence: Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Hon. the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

Preamble.
See Act passed 16 March 1852.

4. It shall and may be lawful for any Court of Oyer and Terminer and General Gaol Delivery, if such Court shall see fit so to do, to cause the indictment or information for any offence whatever, when any variance or variances shall appear between any matter in writing or in print produced in evidence and the recital or setting forth thereof in the indictment or information whereon the trial is pending, to be forthwith amended in such particular or particulars by some officer of the Court, and after such amendment the trial shall proceed in the same manner

When any variance may appear between the indictment and any matter in writing or print put in in evidence, the Court may order the same to be amended.

No. 229.

21 August 1851.

in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise as if no such variance or variances had appeared.

No. 230.

28 August 1851.

No. 230.

28 August 1851.]—AN ACT to authorize the Commissioners of the Mole Head to provide and maintain a Harbour Light at Needham's Point.

Preamble.

WHEREAS vessels coming into Carlisle Bay are exposed to much danger and inconvenience for want of a harbour light, and it is expedient that the same should be provided: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

The Commissioners of the Mole Head to make arrangements for providing and maintaining a light at or near Needham's Point.

The cost of erecting and providing the same not to exceed 125*l.*, and the expense of maintaining it not to exceed 60*l.* in any year.

Payments to be made by warrant of Governor-in-Council.

1. The Commissioners of the Mole Head are hereby authorized and required to make the necessary arrangements for providing and maintaining a light at or near Needham's Point, or at such other place as may be deemed most convenient for such purpose.

2. The cost of erecting and providing the light shall not exceed the sum of one hundred and twenty-five pounds, and the expense of maintaining the same shall not exceed in any one year the sum of sixty pounds unless with the previous sanction of the Legislature, and the Governor-in-Council, is hereby authorized and respectfully requested to grant warrants under his hand to the Treasurer of the Island for payment of such sums of money as shall from time to time be required by the said Commissioners for the purposes of this Act, not exceeding the respective sums aforesaid.

No. 231.

12 September 1851.

No. 231.

12 September 1851.]—AN ACT relating to Offences against the Inland Post Office of this Island.

Preamble.

WHEREAS an Act was passed in the present Session of the Legislature, entitled, "An Act for the establishment and management of an Inland Post Office in this Island:" And whereas some time must elapse before the necessary arrangements can be completed for bringing the said Act into full operation, and it is expedient that until such time letters should be allowed to be transmitted through the Island in the same manner as they have been heretofore used to be: Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

Act not to come into operation until notified in Official Gazette.

Persons carrying letters not exempted, otherwise than by the post, or performing any incidental services relative thereto, &c., liable to a penalty of 20*s.* on each letter, and 25*l.* for every week during which the practice is continued.

1. This Act shall not come into operation until a notification to that effect shall have been published in the official Gazette of this Island.

2. For preventing any breach of the privilege conferred by the said recited Act on the Inland Post-Master for the benefit of the revenue, every person who shall convey otherwise than by the post a letter not exempted from the exclusive privilege of the Inland Post-Master shall for every letter forfeit Twenty Shillings, and every person who shall be in the practice of so conveying letters not so exempted shall for every week during which the practice shall be continued forfeit Twenty-five Pounds; and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place,

whether by receiving, or by taking up, or by collecting, or by ordering, or by despatching, or by carrying, or by recarrying, or by delivering a letter not exempted from the exclusive privilege of the Inland Post-Master, shall forfeit for every letter Twenty Shillings; and every person who shall be in the practice of so performing any such incidental services, shall for every week during which the practice shall be continued forfeit Twenty-five Pounds; and every person who shall send a letter not exempted from the exclusive privilege of the Inland Post-Master otherwise than by the post, or shall cause a letter not so exempted to be sent or conveyed otherwise than by the post, or shall either tender or deliver a letter not so exempted in order to be sent otherwise than by the post, shall forfeit for every letter Twenty Shillings; and every person who shall be in the practice of committing any of the acts last mentioned shall for every week during which the practice shall be continued forfeit Twenty-five Pounds; and every person who shall make a collection of exempted letters for the purpose of conveying or sending them otherwise than by the post shall forfeit for every letter Twenty Shillings, and every person who shall be in the practice of making a collection of exempted letters for either of those purposes shall forfeit for every week during which the practice shall be continued Twenty-five Pounds; and the above penalties shall be incurred whether the letter shall be sent singly or with anything else or such incidental service shall be performed in respect to a letter either sent or to be sent singly or together with some other letter or thing, and in any prosecution by action or otherwise for the recovery of any such penalty the onus shall lie upon the party prosecuted to prove that the Act in respect of which the penalty is alleged to have been incurred was done in conformity to the above-recited Act: and be it declared that the term "post" shall herein include all inland post communication.

3. For the prevention of the abuse of the privilege of sending newspapers by the post, every person who shall enclose or cause or procure to be enclosed in a newspaper to be sent by the post, or under the cover thereof, any letter or paper or thing, and every person who shall print or cause to be printed any words or communication, either upon any such newspaper after the same shall have been published or upon the cover thereof, or who shall put or cause to be put any writing or marks either upon the newspaper or upon the cover thereof other than the name and address of the person to whom it shall be sent, and every person who shall knowingly either send or cause to be sent by the post or who shall either deliver or tender in order to be sent by the post a newspaper in respect of which any one of the offences hereinafter mentioned shall have been committed, shall for every such offence forfeit treble the duty of postage computed by weight as if the paper in respect of which the offence was committed were a letter, such postage to be recoverable as hereinafter provided.

Person printing or writing on newspapers anything except the name and address of the party to whom sent, to forfeit treble the duty of postage computed by weight as for a letter.

4. Whereas post letter-bags and post letters may be lost or delayed by the carelessness or other misconduct of the persons having charge of the same, every person employed to convey or deliver a post letter-bag or a post letter, who shall whilst so employed or whilst the same shall be in his custody, care, or possession leave a post letter-bag or a post letter, or if any such person shall be guilty of any act of drunkenness or of carelessness, negligence or other misconduct, whereby the safety of a post letter-bag or a post letter shall be endangered, or who shall collect or receive, or convey, or deliver a letter otherwise than in the ordinary course of the post, or who shall give any false information of an assault or attempt at robbery upon him, or who shall loiter on the road or willingly misspend his time so as to retard or delay the progress or arrival of a post letter-bag or a post letter, or who shall not use due and proper care and diligence safely to convey a post letter-bag or a post letter according to the regulations of the Inland Post Office for the time being, being thereof convicted shall forfeit Five Pounds.

Persons employed to convey post letters or post letter-bags, guilty of drunkenness or other misconduct, on conviction to forfeit 5*l*.

No. 231.

12 September 1851.

Persons aiding the commission of an offence liable to same punishment as principal offenders. Pecuniary penalties exceeding 10*l*. to be sued for by action of debt—and under that amount to be recoverable before Police Magistrate or Justice of the Peace.

Police Magistrate or Justice of the Peace may mitigate penalties imposed.

Distribution of penalties recovered in the name of a person other than the Attorney-General or an officer of the Inland Post Office, &c.

Inland Post-Master may give all or any part of penalties belonging to her Majesty as rewards.

*When an information is withdrawn or dismissed, the Police Magistrate may order the person making the complaint to pay the defendant the costs of his defence, &c.

Officers of post office competent witnesses notwithstanding they may be entitled to remuneration.

The Inland Post-Master may compromise any action, &c.

5. Every person who shall aid, abet, or counsel, or procure the commission of any offence which is by the Post Office Acts punishable, shall be liable to the same forfeiture and punishment to which a principal offender is by the Post Office Acts made liable.

6. All pecuniary penalties imposed by the Post Office Acts, where the same shall exceed ten pounds, may be sued for and recovered by action of debt with full costs of suit by any person who shall inform and sue for the same in her Majesty's Court of Common Pleas in this Island; and in all cases in which the penalty does not exceed the sum of Ten Pounds, the same shall be recoverable before a Police Magistrate or a Justice of the Peace as in case of servants' wages, and in default of payment of such penalty and all the costs and expenses thereof, the Police Magistrate or Justice of the Peace shall commit the offender to the common gaol or a house of correction, there to remain for any time not exceeding Three Months.

7. The Police Magistrate or Justice of the Peace before whom a person shall be convicted of an offence against the Post Office Acts may mitigate the penalty imposed in cases where such Police Magistrate or Justice of the Peace shall see cause so to do, provided that all reasonable costs and charges incurred in prosecuting for such offences shall be always allowed over and above the sum to which the penalty shall be mitigated.

8. All pecuniary penalties incurred under the Post Office Acts which shall be sued or prosecuted for or recovered by or in the name of a person other than her Majesty's Attorney-General, or any officer of the Inland Post Office, shall respectively be distributed and divided in manner following (that is to say), one moiety thereof to her Majesty for the uses of the Public Treasury of this Island, and the other moiety thereof with full costs of suit to the person who shall inform and sue or prosecute for the same, and all such pecuniary penalties as aforesaid which shall be sued and prosecuted for and recovered by or in the name of the above-named officers shall be to her Majesty for the use of the Public Treasury of this Island: Provided always, that the Inland Post-Master at his discretion may give all or any part of such penalties or shares of penalties belonging to her Majesty as rewards to any person who shall have detected such offences or give information which may have led to the discovery thereof or to the conviction of the offenders.

9. When any person shall be summoned before a Police Magistrate or a Justice of the Peace to answer an information or complaint exhibited or made against him by a person other than an officer of the post office, touching an offence committed or alleged to have been committed by such person against the Post Office Acts, and such information or complaint shall afterwards be withdrawn or quashed or dismissed, or if the defendant shall be acquitted of the offence charged against him, the Police Magistrate or Justice may order and award that the informer or person exhibiting the information or making the complaint shall pay to the defendant such costs of making or preparing for his defence as to such Police Magistrate or Justice shall seem reasonable, to be levied as in the case of servants' wages; and in default of payment of the sum so awarded the Police Magistrate or Justice of the Peace may commit such person to the common gaol or a house of correction for any time not exceeding One Month unless the sum so awarded shall be sooner paid.

10. Upon the trial or hearing of an information exhibited or complaint made under the Post Office Acts any officer of the post office shall be a competent witness, notwithstanding that such officer may be the informant or complainant, or may be entitled to, or expect a part of any pecuniary penalty or any remuneration or reward on the conviction of an offender upon such information or complaint.

11. The Inland Post-Master may compromise and compound any action, suit, bill, plaint, or information which shall at any time be commenced by his authority or under his control against any person for

recovering penalties incurred under the Post Office Acts, on such terms and conditions as he shall in his absolute discretion think proper, with full power for him or any of his officers or agents by him thereunto authorized to accept the penalties so incurred or alleged to be incurred, or any part thereof, without action, suit, or information brought or commenced for recovery thereof.

12. All penalties incurred by any person for offences against the Post Office Acts shall be sued for within the space of one year next after the penalty shall be incurred.

Penalties to be sued for within the space of one year.

13. Every person employed in, by, or under the post office, who shall contrary to his duty open or procure or suffer to be opened a post letter, or shall wilfully detain or delay, or procure or suffer to be detained or delayed, a post letter, shall be guilty of a misdemeanor, and being convicted thereof shall suffer such punishment by fine or imprisonment, or by both, as to the Court shall seem fit: Provided always, that nothing herein contained shall extend to the opening or detaining or delaying of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead, or cannot be found, or shall have refused the same, nor to the opening, or detaining, or delaying of a post letter in obedience to an express warrant in writing under the hand of the Governor.

Persons employed in post office opening or detaining a post letter, guilty of a misdemeanor.

Not to extend to letters opening for want of true direction, &c.

14. Every person employed in, by, or under the post office, who shall steal, or shall for any purpose whatever embezzle, secrete, or destroy a post letter, shall be guilty of felony, and being convicted thereof shall, at the discretion of the Court, either be Transported beyond the seas for the term of Seven Years, or be Imprisoned for any term not exceeding Three Years; and if any such post letter so stolen or embezzled, secreted or destroyed, shall contain therein any chattel or money whatsoever, or any valuable security, every such offender shall be Transported beyond the seas for Life, or for any term not less than Seven Years, or be Imprisoned for any term not exceeding Four Years.

Persons employed in post office stealing or destroying a post letter guilty of felony &c., and liable to Transportation or Imprisonment.

15. Every person who shall steal from or out of a post letter any chattel or money or valuable security, shall be guilty of felony, and being convicted thereof shall be Transported beyond the seas for Life, or for any term not less than Seven Years, or be Imprisoned for any term not exceeding Four Years.

Persons stealing money, &c., from a post letter guilty of felony, and liable to Transportation or Imprisonment.

16. Every person who shall steal a post letter-bag or a post letter from a post letter-bag, or shall steal a post letter from a post office, or from an officer of the post office, or from a mail, or shall stop a mail with intent to rob or search the same, shall be guilty of felony, and being convicted thereof shall be Transported beyond the seas for Life, or for any term not less than Seven Years, or shall be Imprisoned for any term not exceeding Four Years.

Stealing a post letter-bag or stopping a mail a felony, and punishable by Transportation or Imprisonment.

17. With regard to receivers of property sent by the post and stolen therefrom, every person who shall receive any post letter, or post letter-bag, or any chattel or money or valuable security, the stealing or taking or embezzling or secreting whereof shall amount to a felony under the Post Office Acts, knowing the same to have been feloniously stolen, taken, embezzled or secreted, and to have been sent or to have been intended to be sent by the post, shall be guilty of felony and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon shall or shall not have been convicted previously or shall or shall not be amenable to justice; and every such receiver howsoever convicted shall be liable to be Transported beyond the seas for Life, or for any term not less than Seven Years, or to be Imprisoned for any term not exceeding Four Years.

Receivers of property stolen from the post guilty of felony, and liable to be Transported or Imprisoned.

18. Whereas post letters may be sometimes by mistake delivered to the wrong person, and post letters and post letter-bags may be lost in the course of conveyance or delivery thereof and be detained by the finders in expectation of gain or reward—every person who shall fraudulently retain or shall wilfully secrete or keep or detain, or being required

Persons detaining letters delivered by mistake, &c., guilty of a misdemeanor and liable to Fine or Imprisonment.

No. 231.

12 September 1851.

Persons stealing or
detaining any printed
paper guilty of a mis-
demeanor and liable
to Fine or Imprison-
ment, or both.

Forging any die or
other instrument or
any stamp or impres-
sion, or having in
possession any forged
die, &c., guilty of
felony and liable to
Transportation or
Imprisonment.

to deliver up by an officer of the post office, shall neglect or refuse to deliver up a post letter which ought to have been delivered to any other person, or a post letter-bag, a post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping or detaining or neglecting or refusing to deliver up the same, or by any other person, shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be punished by Fine and Imprisonment.

19. Every person employed in the post office who shall steal or shall for any purpose embezzle, secrete, or destroy, or shall wilfully detain or delay in course of conveyance, or delivery thereof by the post, any printed newspaper or any other printed paper whatever sent by the post, without covers or in covers open at the sides, shall be guilty of a misdemeanor, and being convicted thereof shall suffer such punishment by Fine or Imprisonment, or by both, as to the Court shall seem meet.

20. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument, or any part of any die, plate, or other instrument which hath been or shall or may be provided, made, or used by or under the direction of the Governor-in-Council, or by or under the direction of any other person or persons legally authorized in that behalf, for the purpose of expressing or denoting any of the rates or duties which are or shall be directed to be charged under or by virtue of the authority contained in the Post Office Acts—or if any person shall forge, counterfeit or imitate, or cause or procure to be forged, counterfeited or imitated, the stamp, mark or impression, or any part of the stamp, mark or impression of any such die, plate or other instrument which hath been or shall or may be so provided, made, or used as aforesaid, upon any paper or other substance or material whatever; or if any person shall knowingly and without lawful cause (the proof whereof shall be in the person accused) have in his possession any false, forged, or counterfeit die, plate, or other instrument or part of any such die, plate or other instrument resembling or intended to resemble, either wholly or in part, any die, plate, or other instrument which hath been or shall or may be so provided, made, or used as aforesaid; or if any person shall stamp or mark, or cause or procure to be stamped or marked, any paper or other substance or material whatsoever, with any such false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument as aforesaid; or if any person shall use, utter, sell or expose to sale, or shall cause or procure to be used, uttered, sold or exposed to sale, or shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any paper or other substance or material having thereon the impression or any part of the impression of any such false, forged, or counterfeit die, plate, or other instrument, or part of any such die, plate, or other instrument as aforesaid, or having thereon any false, forged, or counterfeit stamp or impression resembling or representing either wholly or in part, or intended or liable to pass or be mistaken for the stamp, mark, or impression of any such die, plate, or other instrument which hath been or shall or may be so provided, made, or used as aforesaid, knowing such false, forged or counterfeit stamp, mark or impression to be false, forged, or counterfeit; or if any person shall with intent to defraud her Majesty privately or fraudulently use, or cause or procure to be privately or fraudulently used, any die, plate, or other instrument so provided, made or used, or hereafter to be provided, made or used as aforesaid; or shall with such intent privately or fraudulently stamp or mark, or cause or procure to be stamped or marked, any paper or other substance or material whatsoever with any such die, plate, or other instrument as last aforesaid; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any paper or other substance or material so privately or fraudulently stamped or marked as aforesaid—then and in every such case every person so offending and every person knowingly and wilfully

aiding, abetting, or assisting any person in committing any such offence shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court to be Transported beyond the seas for Life or for any term not less than Seven Years, or to be Imprisoned for any term not exceeding Four Years nor less than Two Years, as the Court shall award.

21. If any person shall fraudulently get off or remove, or cause, or procure to be gotten off or removed, from any letter or cover or any paper or other substance or material the stamp or impression of any die, plate, or other instrument so provided, made, or used, or hereafter to be provided, made, or used as aforesaid with intent to use, join, fix, or place such stamp or impression for, with, or upon any other letter, cover, paper, or other substance or material; or if any person shall fraudulently use, join, fix, or place for, with, or upon any letter or cover, or any paper or other substance or material, any such stamp or impression as aforesaid which shall have been gotten off or removed from any other letter, cover, paper, or other substance or material, or if any person shall fraudulently erase, cut, scrape, discharge or get out of or from, or shall cause or procure to be so erased, cut, scraped, or discharged, or gotten out of or from any letter or cover or any paper or other substance or material, any name, date or other matter or thing thereon written, printed, or expressed, with intent to use any stamp or mark there impressed, or being upon such letter or cover, paper, or other substance or material, or that the same may be used for the purpose of defrauding her Majesty of any of the rates or duties aforesaid, or if any person shall make, do, or practise or be concerned in any other fraudulent act, contrivance, or device whatever not specially provided by this or some other Act of the Island, with intent or design to defraud her Majesty of any of the rates or duties aforesaid, every person so offending in any of the several cases in this clause mentioned shall forfeit and pay to her Majesty, for the use of the Treasury of this Island, the sum of Five Pounds, to be recovered with full costs of suit and all expenses attending the same.

Any person removing any stamp or impression from any letter or paper with intent to use the same, &c., to forfeit 5*l*.

22. If any person shall make, or cause or procure to be made, or shall aid or assist in the making, or shall knowingly have in his custody or possession without lawful excuse, (the proof whereof shall lie on the person accused,) any mould or frame or other instrument having thereon any words, letters, figures, marks, lines, or devices peculiar to and appearing in the substance of any paper hereafter to be provided or used for postage covers, envelopes, or stamps or any machinery or parts of machinery for working any threads into the substance of any paper or any such thread, and intended to imitate or pass for such words, letters, figures, marks, lines, threads, or devices, or if any person except as before excepted shall make, or cause or procure to be made, or aid or assist in the making of any paper in the substance of which shall be worked, or shall appear visible, any words, letters, figures, marks, lines, threads, or other devices peculiar to and worked into or appearing visible in the substance of any paper hereafter to be provided or used for postage covers, envelopes, or stamps, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate or pass for the same, or if any person shall knowingly have in his custody or possession without lawful excuse (the proof whereof shall lie on the person accused) any paper whatever in the substance whereof shall be worked or appear visible, any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or devices, and intended to imitate or pass for the same, or if any person without lawful authority shall by any act, mystery, or contrivance cause or procure, or aid or assist in causing or procuring, any such words, letters, figures, marks, lines, threads, or devices as aforesaid, or any part of such words, letters, figures, marks, lines, threads, or other devices, and intended to imitate or pass for the same to appear worked into or visible in the substance of any paper whatever, then and in every such case every

Any person making any mould, frame, &c., having any words, letters, figures, devices, &c., provided or used for postage covers, envelopes or stamps, guilty of felony, and liable to Transportation or Imprisonment.

No. 231.

12 September 1861.

Persons having in their possession paper provided for postage covers, &c., before being duly stamped, guilty of a misdemeanor, and liable to Imprisonment.

Principals in the second degree and accessories before the fact punishable as principal offenders, and accessories after the fact, liable to Imprisonment.

Persons soliciting to the commission of a felony liable to Imprisonment.

Property to be laid in the indictment in the Post-Master, &c.

In cases of imprisonment the Court may order hard labour or solitary confinement.

Proceedings to be taken within three months after the commission of the Act.

person so offending shall be guilty of felony, and being convicted thereof shall be liable to be Transported for the term of Seven Years or to be Imprisoned for any period not less than Two Years.

23. If any person not lawfully authorized and without lawful excuse, (the proof whereof shall lie on the person accused), shall purchase or receive or take or have in his custody or possession any paper manufactured and provided by or under the direction of the Governor in Council, or other person or persons appointed to provide the same by the Governor in Council, for the purpose of being used for postage covers, envelopes, or stamps, and for receiving the impression of the dies, plates, or other instrument provided, made, or used, under the direction aforesaid, before such paper shall have been duly stamped with such impression and issued for public use, every such person shall for such offence be guilty of a misdemeanor, and being convicted thereof shall be Imprisoned for any period not more than Three Years nor less than Six Months.

24. In the case of every felony punishable under the Post Office Acts, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by the Post Office Acts punishable, and every accessory after the fact to any felony punishable under the Post Office Acts (except only a receiver of any property or thing stolen, taken, embezzled, or secreted), shall, on conviction, be liable to be Imprisoned for any term not exceeding Two Years, and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under the Post Office Acts shall be liable to be indicted and punished as a principal offender.

25. Every person who shall solicit or endeavour to procure any other person to commit a felony or misdemeanor punishable by the Post Office Acts shall be guilty of a misdemeanor, and being convicted thereof shall be liable to be Imprisoned for any term not exceeding Two Years.

26. In every case where an offence shall be committed in respect of a post letter-bag or a post letter or a chattel, money, or a valuable security sent by the post, it shall be lawful to lay in the indictment to be preferred against the offender, the property of the post letter-bag, or of the post letter or chattel or money, or the valuable security sent by the post in the Inland Post-Master, and it shall not be necessary in the indictment to allege or to prove upon the trial or otherwise, that the post office letter-bag or any such post letter or valuable security was of any value; and in any indictment to be preferred against any person employed under the post office for any offence committed against the Post Office Acts, it shall be lawful to state and allege that such offender was employed under the post office at the time of the committing of such offence, without stating further the nature or particulars of his employment.

27. Where a person shall be convicted of an offence punishable under the Post Office Acts for which imprisonment may be awarded, the Court may sentence the offender to be imprisoned with or without hard labour in the common gaol or in any house of correction, and may also direct that he shall be kept in solitary confinement for the whole or any portion of such imprisonment as to the Court shall seem meet.

28. For the protection of the persons acting in the execution of the Post Office Acts, all legal proceedings, whether by action or by prosecution which shall be commenced against any person for anything done in pursuance of or under the Post Office Acts, shall be commenced and prosecuted within three months next after the commission of the act and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action; and in the following cases the defendant shall recover his full costs of suit as between attorney and client; that is to say if a verdict shall pass for the defendant, or if the plaintiff shall

become nonsuit, or if the plaintiff shall discontinue the action, or if on demurrer or otherwise, judgment shall be given against the plaintiff the defendant shall have the like remedy for his costs as any defendant may have for costs of suit in other cases at law, and although a verdict shall be given for the plaintiff in any such action, the plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be had shall at the time of such trial certify in writing his approbation of the action and of the verdict obtained thereupon.

29. For the interpretation of the Post Office Laws, the following terms and expressions shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject or inconsistent with the context of the provisions in which they may be found (that is to say), the terms "British Newspapers," shall mean newspapers printed and published in the United Kingdom; and the term "Colonial Newspapers" shall mean newspapers printed and published in any of her Majesty's dominions out of the United Kingdom; and the term "Double Postage," shall mean twice the amount of single postage; and the term "Foreign Newspapers" shall mean newspapers printed and published in a foreign country in the language of that country; and the term "Her Majesty," shall mean her Majesty, her heirs and successors; and the term "Letter," shall include packet; and the term "Packet," shall include letter; and the term "Mail," shall include every conveyance by which post letters are carried, whether it be a coach, or cart, or horse, or any other conveyance, and also a person employed in conveying or delivering post letters; and the term "Mail Bag," shall mean a mail of letters, or a box, or a parcel, or any other envelope in which post letters are conveyed, whether it does or does not contain post letters; and the expression "Officers of the Post Office," shall include the Inland Post-Master, and every Deputy Post-Master, agent, officer, clerk, letter carrier, guard, post boy, rider, or any other person employed in any business of the post office, whether employed by the Inland Post-Master, or by any person under him, or on behalf of the post office; and the term "Penalty," shall include every pecuniary penalty or forfeiture; and the expression "Persons employed in, by, or under the post-office," shall include every person employed in any business of the post office, according to the interpretation given to "Officer of the Post Office;" and the term "Postage" shall mean the duty chargeable for the transmission of the post letters; and the term "Post Letter-bag," shall include a mail-bag or box, or packet, or parcel, or other envelope or covering in which post letters are conveyed, whether it does or does not contain post letters; and the term "Post Letters," shall mean any letter or packet, transmitted by the post under the authority of the Inland Post-Master; and a letter shall be deemed a post letter from the time of its being delivered to a post office to the time of its being delivered to the person to whom it is addressed; and the delivery to a letter carrier or other person authorized to receive letters for the post shall be a delivery to the post office; and a delivery at the house or office of the person to whom the letter is addressed, or to him, or to his servant, or agent, or other person considered to be authorized to receive the letter according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed; and the term "Post Office," shall mean any house, building, room, or place where post letters are received or delivered, or in which they are sorted, made up, or despatched; and the terms "Post Office Acts" and "Post Office Laws," shall mean all Acts relating to the management of the post or to the establishment of the post office or to postage duties from time to time in force; and the term "Single Postage," shall mean the postage chargeable for a single letter; and the term "Single Letter," shall mean a letter under the weight of half-an-ounce; and the term "Treble Postage," shall mean three times the amount of single postage; and the term "Treble the duty of postage," shall mean three times the amount of the postage which the letter to be charged would otherwise have been

Interpretation of
terms and expressions.

No. 231.

12 September 1851.

liable according to the rates of postage chargeable on letters; and whenever the term "Between" is used in reference to the transmission of letters, newspapers, or other things between one place and another, it shall apply equally to the transmission from either place to the other; and every officer mentioned shall mean the person for the time being executing the functions of that office.

No. 232.

20 December 1851.

No. 232.

20 December 1851.]—AN ACT to extend and define the Limits of the Town called Hole-Town in the parish of Saint James.

Preamble.

WHEREAS it is expedient to extend and define the limits of the town called Hole-Town, in consequence of the increased number of houses not included in the local rates of said town, although the owners and occupants thereof enjoy all the advantages of location and trade: Be it enacted by his Excellency Ker Baillie Hamilton, Esquire, the Administrator of the Government of this Island, the Honourable the Members of Her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

Defines the limit of the town called Hole-Town in the parish of St. James.

1. From and after the passing of this Act, the limits of said town shall be and they are hereby declared to be fixed, settled, and confined to the following boundaries; that is to say, from the south side of the fort called James Fort, now the police station of the town, then passing northwardly bounding all the way on the west side of the public road, to the north side of the churchyard-wall of the parish church of Saint James, then passing westward to the sea and bounding all the way westwardly on the sea to an opposite direction and parallel with the south side of said fort called James Fort, now the police station of the town.

Houses hereafter erected within such limits to be deemed town property and liable to be assessed as such.

2. All houses which now are and which shall hereafter be erected within the aforesaid limits, shall be deemed, taken and considered as town property, and as such be subject and liable to be assessed and taxed by the Vestry of the said parish of St. James for all legal uses and purposes, in like manner as the inhabitants and houses have heretofore been rated by said Vestry.

No. 233.

20 December 1851.

No. 233.

20 December 1851.]—AN ACT for better regulating the Fees to be taken by Magistrates and Constables.

Preamble.

WHEREAS many of the fees that were authorized to be taken by the magistrates and constables of this Island under the Act passed on the Fifth day of March, One thousand eight hundred and eleven, have become obsolete, and such as are yet taken are fixed in the old currency and cannot be converted into the present currency without fractional parts: Be it enacted by his Excellency Ker Baillie Hamilton, Esquire, the Administrator of the Government of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

The Act of 5 March 1811, respecting the fees of magistrates and constables repealed, and the fees in Schedule hereto annexed substituted. In other cases *is.* of the present currency to be taken in lieu of one-fourth of a dollar.

1. From and after the passing of this Act, the said Act of the fifth day of March, One thousand eight hundred and eleven, is hereby repealed, and the fees in the schedule hereunto annexed, shall be the fees to be taken in lieu thereof by the magistrates and constables.

2. In all other Acts where the fees to be taken by the magistrates and constables are fixed in the old currency of the Island in accordance with the value of the dollar, the fee of one shilling of the present currency shall be taken in lieu of the fourth part of a dollar.

SCHEDULE.

Magistrate's Fees.

s. d.

Warrant or Summons for Assault or other offence—for each person included in such warrant or summons	2	0
Special Writ	3	0
Each recognizance entered into for a breach of the peace, &c..	2	0
A Search Warrant	3	0
Any Certificate on Oath	1	0

Constable's Fees.

Executing a Warrant or Summons, for each person included therein, if in the parish	2	0
Ditto if out of the parish	3	0
Executing a Special Writ	4	0
Summoning each Witness, if in the parish	1	0
Ditto if out of the parish	2	0
Executing a Search Warrant	3	0
Executing a Commitment to Prison	3	0
Levying an Execution.	2	0
Setting up Notes of Sale	1	0
Selling effects	1	0

The necessary expenses for feeding stock under attachment, and carrying effects to market for sale, to be charged against the proceeds of sale, and if the amount so charged be disputed, it shall be referred to the magistrate who issued the execution.

No. 234.

No. 234.
24 December, 1851.

24 December 1851.]—AN ACT to explain and amend the Burnt District Acts, One Thousand Eight Hundred and Forty-five, and One Thousand Eight Hundred and Forty-seven.

WHEREAS by the Acts of this Island for the improvement of the city of Bridge-Town, commonly called the "Burnt District Acts," passed respectively the Eighth of August, One thousand eight hundred and forty-five, and Twenty-seventh of July, One thousand eight hundred and forty-seven, provision was made for remunerating, for limited periods, the services of the three Commissioners appointed to execute the same, which periods have long since expired: And the laying out of the lands of the district into building lots having been completed, the Commissioners, in pursuance of the powers vested in them, have offered the same for sale or demise, as directed by the said Acts; and it is expedient that provision should be made for remunerating the Commissioners for their services in this particular: Be it enacted by his Excellency Ker Baillie Hamilton, esquire, the Administrator of the Government of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, That—

It being expedient to remunerate the Commissioners of the Burnt District for their services,

1. A commission of five pounds per cent. for their joint services shall be allowed to the Commissioners upon the amount of the consideration money paid and to be paid into the Public Treasury in respect of the lots of land and premises which may from time to time be sold or demised by them under the authority of the recited Acts. And the like commission of five pounds per cent. shall be allowed to the Commissioners in respect of any lots of land and premises which may have been sold or demised by them prior to the passing of this Act.

a commission of 5l. per cent. for their joint services to be allowed them on amounts paid into the Treasury for all lands and premises sold, &c., by them.

2. The Treasurer of the Island shall keep a separate head in his books, to be called "The Burnt District Fund," of all sums of money already paid into his office and hereafter to be paid in for any lots of the lands and premises which have been and which may hereafter be sold or

The Treasurer to keep a separate head in his books, to be called "The Burnt District Fund," and the

No. 234.

24 December 1851.

commission to be charged against the same.

Commissions to be paid on the warrants of the Governor-in-Council.

Acts of any two Commissioners irrespective of a vacancy to be valid.

demised by the Commissioners; and the Treasurer shall pay out of, and charge against the fund, all sums of money drawn for in respect of commissions, under the authority of this Act, or for other purposes, under the authority of the recited Acts.

3. Warrants by the Governor-in-Council shall be issued in the usual manner on the Treasurer of the Island for payment out of "The Burnt District Fund," of the commissions hereby allowed the Commissioners.

4. By the twenty-sixth clause of the first-recited Act, and by the seventh clause of the last-recited Act, it is provided that the powers thereby respectively given to the three Commissioners, may be executed by any two of them; but to remove any doubt as to the validity of the acts of two Commissioners during a vacancy in the commission, it is hereby declared to be the true intent and meaning of the recited clauses, that the acts of any two Commissioners, irrespective of a vacancy existing at the time in the commission, should be as good and valid as the acts of three Commissioners.

No. 235.

8 January 1852.

No. 235.

8 January 1852.]—AN ACT to extend to Speight's-Town, the Act "to regulate the Fares to be taken by the Porters and Boatmen in "Bridge-Town," 1820, so far as it relates to Carts drawn by Porters, and also a certain Ordinance or Bye-Law made and passed by the Vestry of Saint Michael and confirmed by the Legislature by an Act of the 16th November, 1835, so far as it relates to Porters and Carters.

Preamble.

Act of 9 August 1820, and Ordinance of Vestry of St. Michael of 16 November 1856, so far as the same relate to porters and carters, extended to Speight's-Town.

WHEREAS it is expedient that the said Act of the Ninth day of August, One thousand eight hundred and twenty, entitled "An Act to regulate "the Fares to be taken by the Porters and Boatmen in Bridge-Town," so far as the same relates to carts drawn by porters, and also a certain Ordinance or Bye-Law made and passed by the Vestry of Saint Michael, and confirmed by an Act of the Legislature of the Sixteenth November, One thousand eight hundred and thirty-five, entitled "An Ordinance "relative to Porters, Carters, Boatmen, and Labourers," so far as the same relates to porters and carters, should be extended to Speight's-Town: Be it therefore enacted by his Excellency Ker Baillie Hamilton, esquire, the Administrator of the Government of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That the said Act of the Ninth day of August, One thousand eight hundred and twenty, and all clauses, matters, and things therein contained, so far as the same relate to carts drawn by porters, and also the said Ordinance made and passed by the Vestry of Saint Michael, and confirmed by the Legislature by the said Act of the Sixteenth of November, One thousand eight hundred and thirty-five, so far as the said Ordinance relates to porters and carters, shall be, and the same are hereby extended to Speight's-Town, as fully to all intents and purposes as if the same were herein particularly set forth.

No. 236.

16 March 1852.

No. 236.

16 March 1852.]—AN ACT for the better prevention of Offences and for the further improving the administration of Criminal Justice.

[Clauses 1, 3, 7, 9, 11, 14, 16, 17, 18, 19, 20 repealed.]

Preamble.

Be it enacted by the Governor, Council, and Assembly of this Island, That—

Persons tried for the felony of cutting, &c,

2. If upon the trial of any indictment for any felony, except murder or manslaughter, where the indictment shall allege that the defendant

did cut, stab, or wound any person, the jury shall be satisfied that the defendant is guilty of the cutting, stabbing, or wounding charged in such indictment, but are not satisfied that the defendant is guilty of the felony charged in such indictment, then and in every such case the jury may acquit the defendant of such felony, and find him guilty of unlawfully cutting, stabbing, or wounding, and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for the misdemeanor of cutting, stabbing, or wounding.

4. And whereas offenders frequently escape conviction on their trials by reason of the technical strictness of criminal proceedings in matters not material to the merits of the case: And whereas such technical strictness may safely be relaxed in many instances, so as to insure the punishment of the guilty, without depriving the accused of any just means of defence: And whereas a failure of justice often takes place on the trial of persons charged with felony and misdemeanor by reason of variances between the statement in the indictment on which the trial is had and the proof of names, dates, matters and circumstances therein mentioned not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence: Be it enacted, That from and after the passing of this Act, whenever on the trial of any indictment for any felony or misdemeanor there shall appear to be any variance between the statement in such indictment and the evidence offered in proof thereof in the name of any place mentioned or described in any such indictment, or in the name or description of any person or persons, or body politic or corporate, therein stated or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein, or in the name or description of any person or persons, body politic or corporate, therein stated or alleged to be injured or damaged, or intended to be injured or damaged by the commission of such offence, or in the Christian name or surname, or both Christian name and surname, or other description whatsoever of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the Court, before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such indictment to be amended according to the proof by some officer of the Court or other person, both in that part of the indictment where such variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury, as such Court shall think reasonable; and after any such amendment the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences both with respect to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance had occurred: And in all such cases the order for the amendment shall be endorsed on the indictment: Provided that in all such cases where the trial shall be so postponed as aforesaid, it shall be lawful for such Court to respite the recognizances of the prosecutor and witnesses and of the defendant, and his surety or sureties, if any, accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence respectively, and the defendant shall be bound to attend to be tried at the time and place to which such trial shall be postponed without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute or give evidence at the time and place to which such trial shall have been so postponed: Provided also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be

No.236.
16 March 1852.

may be acquitted of the felony but convicted of cutting, &c.

The Court may amend certain variances not material to the merits of the case, and by which the defendant cannot be prejudiced in his defence: and may proceed with the trial before the same or another jury.

No. 236.
16 March 1852.

Verdicts and judgments valid after amendments.

Records how to be drawn up.

Forms of indictment in cases of forgery, uttering, &c. ;

in other cases.

Persons indicted for a felony or misdemeanor may be found guilty of an attempt to commit.

Repeals clause in Act of 29 September 1841.

Persons tried for a misdemeanor not to be acquitted if the offence turn out to be a felony.

entitled to the same challenges as they were respectively entitled to before the first jury was sworn.

5. Every verdict and judgment which shall be given after the making any amendment under the provisions of this Act shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it was after such amendment was made.

6. If it shall become necessary at any time for any purpose whatsoever to draw up a formal record in any case where any amendment shall have been made under the provisions of this Act, such record shall be drawn up in the form in which the indictment was after such amendment was made without taking any notice of the fact of such amendment having been made.

8. In any indictment for stealing, embezzling, destroying, or concealing, or for obtaining by false pretences, any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

10. In all other cases, wherever it shall be necessary to make any averment in any indictment as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or description by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole or any part thereof.

12. And whereas offenders often escape conviction by reason that such persons ought to have been charged with attempting to commit offences, and not with the actual commission thereof: for remedy thereof be it enacted, That if on the trial of any person, charged with any felony or misdemeanor it shall appear to the jury upon the evidence that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the said indictment; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanor for which he was so tried.

13. And whereas it is enacted by the ninth clause of a certain Act or Statute of this Island passed on the Twenty-ninth day of December, One thousand eight hundred and forty-one, intituled "An Act to amend the Laws relating to Offences against the Person," that on the trial of any person for any of the offences therein before mentioned, or for any felony whatever where the crime charged shall include an assault against the person, it shall be lawful for the jury to acquit of the felony, and to find a verdict of guilty of assault against the person indicted if the evidence shall warrant such finding: And whereas difficulties may arise in the construction of such clause; for the prevention of which, be it enacted, That the said clause shall be and the same is hereby repealed.

15. If upon the trial of any person for any misdemeanor it shall appear that the facts given in evidence amount in law to a felony, such person shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall be liable to be afterwards prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit in its discretion to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

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21. In every indictment in which it shall be necessary to make any averment as to any money or any note of the Bank of England, or any other bank, it shall be sufficient to describe such money or bank note simply as money, without specifying any particular coin or bank note: and such allegation so far as regards the description of the property shall be sustained by proof of any amount of coin or of any bank note, although the particular species of coin of which such amount was composed, or the particular nature of the bank note, shall not be proved, and in cases of embezzlement and obtaining money or bank notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank note, or any portion of the value thereof, although such piece of coin or bank note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to any other person, and such part shall have been returned accordingly.

Coin and bank notes may be described as money.

22. In every indictment for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or in equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

As to indictments for perjury and other like offences.

23. In every indictment for subornation of perjury or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence in the manner hereinbefore mentioned, and then to allege that the defendant unlawfully, wilfully, and corruptly did cause and procure the said person the said offence in manner and form aforesaid to do and commit; and wherever such perjury or other offence aforesaid shall not have been actually committed it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

As to indictments for subornation of perjury and other like offences.

24. A certificate containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanor, purporting to be signed by the clerk of the Court, or other officer having the custody of the records of the Court where such indictment was tried, or by the deputy of such clerk or other officer, shall upon the trial of any indictment for perjury or subornation of perjury be sufficient evidence of the trial of such indictment for felony or misdemeanor, without proof of the signature or official character of the person appearing to have signed the same.

Certificates of trials for perjury or subornation of perjury.

25. It shall not be necessary to state any venue in the body of any indictment: Provided that in cases where local description is or hereafter shall be required, such local description shall be given in the body of the indictment.

Not necessary to state venue in the body of the indictment.

26. No indictment for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion

Certain defects not to vitiate indictments.

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of the words "against the form of the Statute," instead of against the form of the Statutes or *vice versa*, nor for that any person mentioned in the indictment is designated by a name of office, or other descriptive appellation, instead of his proper name, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, nor for want of a proper or formal conclusion, nor for want of or imperfection in the addition of any defendant, nor for want of the statement of the value or price of any matter or thing or the amount of damage, injury, or spoil, in any case where the value or price, or the amount of damage, injury, or spoil is not of the essence of the offence.

Court may amend formal defects when objected to before jury is sworn.

27. Every objection to any indictment for any formal defect apparent on the face thereof shall be taken by demurrer or motion to quash such indictment, before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the indictment to be forthwith amended in such particular by some officer of the Court or other person, and thereupon the trial shall proceed as if no such defect had appeared.

Plea of autrefois convict or acquit.

28. In any plea of autrefois convict or autrefois acquit it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the said offence charged in the indictment.

Hard labour may be added for certain misdemeanors.

29. Whenever any person shall be convicted of any one of the offences following, as an indictable misdemeanor—that is to say, any cheat or fraud punishable at common law; any conspiracy to cheat or defraud or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert or defeat the course of public justice; any escape or rescue from lawful custody on a criminal charge; any public and indecent exposure of the person; any public selling or exposing for public sale or to public view of any obscene book, print, picture or other indecent exhibition; wilful and corrupt perjury, or of subornation of perjury,—it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or any part of such term of imprisonment.

Interpretation of terms.

30. In the construction of this Act the word "indictment" shall be understood to include "information," "inquisition," and "presentment," as well as indictment, and also any "plea," "replication," or other pleadings: and the terms "finding of the indictment," shall be understood to include "the taking of an inquisition," "the exhibiting of an "information," and "the making a presentment;" and whenever in this Act, in describing or referring to any person or party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing whether real or personal, upon or with respect to which any offence may be committed.

No. 237.
16 July 1852.

No. 237.

16 July 1852.]—AN ACT to reduce the penalty in the Bird-shooting License Act, 1836.

Preamble.

WHEREAS a penalty of Five Pounds of the late current money of this Island is imposed by an Act of this Island passed the Fifth of August, One thousand eight hundred and thirty-six, "to license the shooting and

"killing of birds of passage," on any person who may be convicted of violating any of its provisions: And whereas it is deemed expedient to reduce said penalty: Be it therefore enacted by his Excellency Ker Baillie Hamilton, esq., the Administrator of the Government of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the penalty of Five Pounds provided in the aforesaid recited Act shall be reduced to a sum not exceeding Two Pounds; and the Justice of the Peace or Police Magistrate before whom any person may be convicted for any breach of the provisions of said Act, shall, in his discretion, adjudge the offender to pay a fine not exceeding Two Pounds: anything in the said Act to the contrary notwithstanding.

No. 237.
16 July 1852.

Reduces the penalty from 5*l.* currency to one not exceeding 2*l.*

No. 238.

No. 238.
28 July 1852.

28 July 1852.—AN ACT to repeal certain Duties of Customs levied under an Act of the Imperial Parliament, entitled, "An Act to regulate the Trade of the British Possessions abroad."

WHEREAS by an Act of the Imperial Parliament passed in the Session holden in the ninth and tenth years of her present Majesty, chapter 94, entitled, "An Act to enable the Legislatures of certain British Possessions "to reduce or repeal certain Duties of Customs," it is enacted, That if the Legislature or other proper legislative authority of any of the British Possessions in America or the Mauritius make or pass any Act or Ordinance reducing or repealing all or any of the duties of customs imposed under and by virtue of an Act of the said Imperial Parliament, passed in the Session holden in the eighth and ninth years of her present Majesty, chapter 93, entitled, "An Act to regulate the Trade of the British Possessions abroad," upon any articles imported into such possession; and if her Majesty by and with the advice of her Privy Council assent to such Act or Ordinance, such duties of customs shall upon a proclamation of such assent in the colony, or at any time thereafter which may be fixed by such Act or Ordinance, be so reduced or repealed in such possession as if such reduction or repeal had been effected by an Act or Acts of the Imperial Legislature: And whereas it is expedient that the said duties of customs upon articles imported into this Island should be repealed: Be it therefore enacted by his Excellency Ker Baillie Hamilton, esq., the Administrator of the Government of this Island, the Honourable the Members of her Majesty's Council and the General Assembly of this Island, and by the authority of the same, That—

Authority upon which this Act is founded.

1. From and after the day on which this Act shall come into operation, all and singular the said duties of customs so imposed by the said recited Act of the Imperial Parliament, entitled "An Act to regulate the Trade of the British Possessions abroad," so far as respects the levying and collection thereof, upon and from any articles previously chargeable therewith, imported or brought into this Island, shall be and the same are hereby repealed; and thereafter no duties of customs under the said recited Act shall be levied or collected upon or from any of the articles therein mentioned, and thereby made chargeable with duty as aforesaid, imported or brought into this Island.

Imperial customs' duties to be repealed from the day of this Act coming into operation.

No. 239.

No. 239.
29 July 1852.

29 July 1852.]—AN ACT to consolidate and amend the Laws relating to the Police.

[Clause 9 repealed.]

WHEREAS it is expedient to consolidate and amend the laws relating to the Police: Be it therefore enacted by his Excellency Ker Baillie Hamilton, esq., the Administrator of the Government of this Island, the

Preamble.
See Act of 19 January 1874.

No. 239.
29 July 1852.

Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

1. An Act passed the 13th August 1839, except the 5th, 12th, 36th, 37th, 38th, 39th, 40th, 47th, 48th, 49th, 50th, and 51st clauses, also an Act passed the 10th August 1842, except the 5th and 8th clauses, also an Act passed the 8th February 1843, also an Act passed the 6th September 1849, also an Act passed the 1st August 1850, except the 3rd and 4th clauses, and also an Act passed the 24th July 1851, are hereby repealed, except so far as they relate to any penalty or forfeiture, which shall have been incurred thereunder, or to any offence which shall have been committed contrary thereto, or to any sums of money due and owing to or from the public of this Island.

2. The police force shall consist of an Inspector-General, a Superintending Serjeant, ten Serjeants, twenty Corporals, one hundred and eighty-eight Privates, fifty horses, and fourteen grooms. And the several persons now enrolled and serving therein, shall during good conduct continue to serve for the period of their respective enrolments. The Inspector-General shall reside within half-a-mile of the limits of the city of Bridge-Town, and the Superintending Serjeant at the central police station in said city, the serjeants, corporals, police-officers, horses and grooms shall be stationed at said central station and at the several rural district stations, in such numbers and proportions, as the Governor may from time to time be pleased to direct.

3. The appointment, removal, and dismissal of the several persons belonging, or attached to the police force, shall remain and be vested in the Governor as heretofore, and upon any vacancy in any of the said offices, by death, removal, disability, or otherwise, the Governor shall appoint some other proper person to fill the same; and each serjeant, corporal, or private hereafter appointed, shall enrol himself to serve for one year, and at the expiration thereof he shall, if of good character, have the option of re-enrolment for the like period. Previous to the enrolment of any individual he shall undergo a medical examination, as to his bodily fitness and constitution, and no individual shall be admitted if over forty-five years of age, unless he shall have previously served in the force for two years or upwards, nor shall any one be hereafter enrolled, unless of sound constitution and able-bodied, and a preference shall be given to such candidates as are able to read and write, and capable of producing a good character from some respectable individual of the Island, as to sobriety, honesty, activity, and temper; and no one shall be appointed serjeant who cannot read well and write a good hand.

4. Every person hereafter appointed Inspector-General shall before he enters on the duties of his office take before the Governor, or any Member of her Majesty's Council, the following oath:—

"I, do swear that I will well and truly serve our Sovereign
" Lady the Queen, in the office of Inspector-General, without
" favour or affection, malice or ill-will; that I will see and
" cause her Majesty's peace to be kept and preserved, and that
" I will prevent to the best of my power all offences against
" the same, and that while I shall continue to hold the said
" office, I will to the best of my skill and knowledge, discharge
" all the duties thereof faithfully, according to law. So help
" me God."

And such Inspector-General shall also at the same time take the oaths required to be taken by Justices of the Peace in this Island, and thereupon he shall become and be, without further qualification or appointment, and shall continue so long as he may hold the said office, but no longer, a Justice of the Peace for the body of this Island: but he shall not act as a Justice of the Peace at any Court of Grand or Quarter Sessions, or in any manner out of sessions, except for the preservation of the peace, the prevention of crime, the detection and committal of offenders, and the other purposes of this law.

Repeal of former Acts.

Strength of which the police force is to consist.

Where the different officers are to reside.

Power of the Governor to remove and dismiss and appoint.

Qualification of parties enrolling in the force.

Oath to be taken by Inspector-General.

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29 July 1852.

5. The present Inspector-General having on his appointment taken the aforesaid oath, he shall not be required to be again sworn, and the obligation of said oaths shall be binding on him, and the powers and authorities of a Justice of the Peace, subject to the restrictions aforesaid, shall be held, enjoyed, and exercised by him so long as he shall hold the office of Inspector-General.

Present Inspector-General not to be resworn.

6. Every other officer on being appointed shall, before he enters on the duties of his office, take the following oath before the Inspector-General (who is hereby authorized to administer the same) :—

Oath to be taken by all other members of the force.

" I, do swear that I will bear true allegiance to her Majesty the Queen; that I will faithfully, zealously, and to the best of my skill and judgment perform the several duties of a police officer, under Acts of this Island for the formation and government of a Police force; that I will perform all the legal orders and directions of the Inspector-General and other officers placed in authority over me, appointed by the Act to carry the same into effect; and that I will conform to the rules and regulations of the service, and all others which may be made, under the authority of the Governor, by the Inspector-General, for the government of the force. So help me God."

And when so sworn, he shall have all such powers, authorities, privileges, and advantages, and be liable to all such duties and responsibilities, as any constable duly appointed now has, or hereafter may have, either by the common law, or by virtue of any statute or law now or hereafter to be in force in this Island, so long as he shall be in the force, whether as a private, or in the promoted rank of corporal or serjeant, and he shall obey all such lawful commands as he may from time to time receive from the Inspector-General or other superior officer.

7. The respective police officers now serving in the force, having already taken the foregoing oath, it is not deemed expedient to require them to be again sworn, and the obligation of said oath shall be binding on them, and the powers, authorities, privileges, and advantage of a constable shall be held, exercised, and enjoyed by them, and they shall be subject to the duties and responsibilities of the office of constable so long as they remain in the force.

Present officers not required to be resworn.

8. The pay of the police force shall be at the following annual rates:—The Inspector-General, four hundred and eighty pounds; the superintending serjeant, one hundred and fifty pounds; each serjeant, seventy-seven pounds; each corporal, fifty-one pounds ten shillings; each private, forty-five pounds; and each groom twelve pounds ten shillings.

Rates of pay.

10. The attendance of a medical man, to be appointed by the Governor, shall as at present be procured for the central police-station in the city and for each of the rural district stations; such medical men to be paid salaries at the following annual rates:—For the central station in the city, One hundred pounds, and for each of the rural district stations where prisoners are confined, Thirty-two pounds ten shillings, and where prisoners are not confined, Twenty pounds; the station in Speight's-Town to be held in conjunction with District E as forming one station, and the Station at Hole-Town to be held in conjunction with District D, as forming one station with an additional allowance to the medical man for this station at the rate of Ten pounds per annum. It shall be the duty of such medical men to visit whenever necessary the stations under their charge, and prescribe for the men of the force and prisoners who may be reported unwell, and they shall insert the names of the sick in a book to be kept at each station for that purpose; and in all future appointments of medical men they shall be required to reside within the districts for which they may be appointed; and at each station there shall be properly fitted up a room or two rooms as a hospital for the sick, who when removed there shall be subject to the hospital treatment

Attendance and pay of medical men to the force.

Provides for a hospital at each station.

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Constitution of the
Police Board.

Their powers and
duties.

directed by the medical attendant, and a nurse when necessary shall also be employed and charged in the incidental expenses of the month; and each police officer whilst under medical treatment, shall be subject to a daily stoppage of one shilling, such stoppages to be accounted for monthly by the serjeant of the station to the Inspector-General, who shall pay the same into the Public Treasury: Provided that the Police Board shall from time to time take contracts for the supply of medicine at the various stations.

11. For the purposes of this Act there shall be at all times a Police Board, as at present constituted, of three Members of the Council and five Members of the General Assembly (any five to form a Board for transacting business), to be appointed from time to time as there may be occasion, by the Governor. The members appointed from the General Assembly shall continue to be members of the Board in each subsequent Session, if returned to serve therein, and they shall also continue to act as members of the Board during the expiration, dissolution, or prorogation of the General Assembly, without its becoming necessary to make new appointments for the time being. The Board shall from time to time appoint, with the approval of the Governor, a fit and proper person to be their clerk, at a salary of Thirty-two pounds ten shillings per annum. All and singular the police stations and the lands and buildings thereof, and all horses, arms, accoutrements, furniture, articles and things belonging to the police force, shall be vested in said Board and their successors. And said Board shall take care that the force is at all times properly and efficiently supplied with horses and all necessary things for the good of the service, and that the buildings at the several police-stations are kept in proper repair; and also on the requisition of the Gaol Commissioners sanctioned by the Governor or Officer administering the Government to make any alterations in such parts of the said buildings as are used for the confinement of prisoners; and they shall have power to take on rent, as at present, such additional station-houses as may be required for the service; and they shall make provision for having the horses supplied with sufficient provender. And said Board shall take contracts to be called for by public advertisements for such supplies and things, and for the making of repairs at the stations, and furnishing materials; or they may, if expedient, purchase or obtain the same upon such terms as they may deem best, without calling for contracts. The Board shall have power, subject to the approval of the Governor, to sell, from time to time, any of the horses, property, and things belonging to the force, if deemed expedient for the public benefit, and the money arising therefrom shall be paid into the Public Treasury of the Island. The Board shall immediately after the passing of this Act, and also at the end of every quarter, or at such other times as may be found necessary, certify to the Governor-in-Council the amount of money which will be required during the three months next ensuing to meet the pay of the police force, and other expenses in carrying out the provisions of this Act; and the Governor-in-Council is hereby authorized and respectfully requested to issue a warrant on the Treasurer of the Island, requiring him to apply the amount of the money therein specified for the service of the police, as the same shall be drawn for. And the Inspector-General shall from time to time lay before the Governor a statement of the sums required to meet the pay of himself and the several other persons belonging to the force at the end of each month, and also a quarterly statement of the sums due to the medical officers, which statements, on being approved and signed by the Governor, shall be taken to the Treasurer, who is hereby directed to pay the sums therein specified out of the moneys granted by the warrant then previously issued to him: and all sums of money due to other persons having claims on the police department for supplies, contracts, or otherwise, shall also be paid out of said moneys, by the Treasurer on the orders of the Board. And whenever the Board shall certify to the Governor-in-Council that other money is required for

the purposes of this Act, such certificate shall be accompanied by a statement signed by the Treasurer, showing the application of the sum authorized to be paid under the warrant then last issued to him.

12. The general duties of the police, as defined in the schedule hereunto annexed marked A, must be strictly attended to and observed by them, but it being impossible to foresee the extent to which it may occasionally be requisite for the good of the public service, that the rules and regulations for the performance of these general duties shall be dispensed with: the Governor is hereby authorized in his discretion to sanction a deviation from the same, in all cases of emergency, or otherwise, when indispensably requisite for the good of the service.

General duties of the police.

13. The police officers of the different districts shall be respectively numbered, and each of them shall be furnished annually, at the public expense, with the following articles of dress;—a blue cloth jacket with standing collar, to be fastened up to the chin, on the right side of which shall be worked with white material, the letter distinguishing the district to which the officer belongs, and on the left side his individual number, a pair of dark blue cloth trousers, a blue cloth cap, with leather peak and chin strap, and two pair of ankle boots, and, once in four years, if requisite, a cloth cloak shall be furnished to each mounted officer, and once in three years, if requisite, a cloth greatcoat shall be furnished to each officer of foot, such cloaks and coats to be similar to those furnished to the soldiers of her Majesty's army, each of said articles to be marked with the individual's number and district. And each serjeant shall be furnished at the same periods, and in like manner, with the same articles as the privates, but of a better quality and description; each serjeant shall have a chevron of three bars on each arm, and each corporal a chevron of two bars on each arm; the said uniforms are to be worn by the individuals of the force whenever on duty, unless otherwise ordered by the Inspector-General, and at the expiration of one year and one day the aforesaid articles of clothing (excepting the greatcoat or cloak) shall become the property of the wearer, if approved of by the Governor. And each mounted officer shall also be furnished, at the public expense, with the following articles:—one carbine with bayonet, scabbard, and waistbelt, one sword and scabbard with waistbelt, one pair of pistols, one pouch with belt, one sabretache with straps, a pouch capable of holding twenty rounds of ball cartridge. And each officer of foot shall also be furnished in like manner with one staff, one sword with waistbelt of black leather, one musket with bayonet, scabbard and waistbelt, one pouch capable of holding twenty-four rounds of ball cartridge, and a turnscrew and worm; all which articles shall be numbered as far as practicable, and always used by the officer having a corresponding number, and by him kept in proper order; each serjeant shall, in like manner, be furnished with sword, scabbard, and waistbelt, a pair of pistols and a cartouch box; and every police officer shall be furnished, at the public expense, with an iron bedstead, a mattress, bolster, and blanket. Any individual of the force who shall be dismissed from it, or who shall quit or resign his situation in it, shall forthwith deliver up every article of dress, arms, ammunition, and accoutrements: and if a mounted man, his horse, saddle, and bridle, and all other appointments which shall have been supplied to him, and, in default thereof, he shall incur a forfeiture of double the value of the articles on conviction before a Police Magistrate or Justice of the Peace; and if any such articles shall be proved before a Police Magistrate or Justice of the Peace to have been improperly used or damaged, the individual to whom they were issued shall be adjudged by such Police Magistrate or Justice, to forfeit and pay an equivalent in money for such damage or ill-usage, or supply a new article in lieu thereof; and should he then be entitled to any pay, such forfeiture shall be deducted therefrom, and shall be paid into the Public Treasury; and all such penalties may be recovered by complaint of any superior officer of the force before any Police Magistrate or Justice of the Peace, and

Officers to be numbered.

Their clothing and accoutrements.

Barrack furniture.

Penalty on not delivering up, or improperly using or damaging clothing and accoutrements.

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levied as in the case of servants' wages; and, in default of payment, it shall be lawful for the Police Magistrate or Justice to commit the offender to the common gaol or house of correction for any period not exceeding One Month, with or without hard labour. And it shall be lawful for any Police Magistrate or Justice of the Peace to issue his warrant, when necessary, to search for and seize to the use of this Island, all and every the arms, ammunition, accoutrements, horses, bridles, saddles, clothing, and other appointments whatsoever, which shall not be so delivered over, wherever the same shall be found.

Power to the Governor to grant discharges.

14. If any officer shall be desirous to quit the force before the expiration of his term of enrolment, it shall be lawful for him to obtain his discharge by special permission of the Governor. And in case any police officer shall quit the service without having obtained such discharge, he shall forfeit, if a serjeant, the sum of Fourteen Pounds, if a corporal or private, the sum of Ten Pounds; and in addition to such forfeiture, every police officer thus deserting shall forfeit all pay then due to him; but if it shall appear expedient to the Governor to order a court-martial for the trial of any such offender, then he shall be liable to such punishment as the court-martial may have power to award under the provisions of this Act. And every person who shall assist any deserter, knowing him to be such, in deserting or concealing himself, shall forfeit for every such offence a sum not exceeding Fourteen Pounds, and, in default of payment, Imprisonment with or without hard labour, not exceeding Three Months.

Penalty on desertion.

Penalty for assisting deserters.

Number of horses to be kept for use of the force.
Equipments for the mounted men.

15. The number of fifty horses shall at all times be provided, and kept at the public expense, for the use of the mounted portion of the police force; and the following articles be furnished for each mounted officer:—one saddle with one pair of girths, stirrup irons and leathers, one pair of holsters, one bridle and halter, one pair spurs, curry-comb and brush, mane-comb, sponge, and picker; and every horse when purchased, shall not be under four or over seven years of age, and not less than fourteen hands in height, and no horse shall, on any pretence whatsoever, be used except on public service, on pain of the instant dismissal of the officer so using such horse, and such officer shall also be liable to such punishment as a court-martial may have power to award, under the provisions of this Act, should it appear expedient to the Governor to bring him to trial.

Penalty on using the horses for other than public service.

Provision for keep of the horses.

16. A daily ration shall be provided at the public expense for each horse of six pounds of oats, or an equivalent in Guinea-corn, and at the rate of seventy-five pounds of green forage, or twelve pounds of hay; and a certain portion of stabling at each district shall be set apart for the purpose of forming a hospital for sick horses, and any expense attending the caring or physicking of the horses, shall be charged in the monthly accounts under the head of contingencies. The Inspector-General shall provide at his own cost two horses, if his duties should require that number, and for each so provided he shall be supplied, at the public expense, with a daily ration of the foregoing amount. The horses and vehicles belonging to the force, and any horses or vehicles kept by the Inspector-General for the performance of his public duties shall be exempt from all taxes.

Inspector-General allowed rations for two, and to be exempt from tax.

Disposal of unserviceable horses.

17. If any horse shall at any time become unserviceable, it shall be reported forthwith to the Inspector-General, who shall cause an examination of such horse to be made by any three members of the Police Board, or any three competent persons to be nominated by the Governor, and if they shall report it advisable to sell such horse, he shall be disposed of by public auction, and the amount of sale paid into the Public Treasury.

Rules for patrolling

18. A certain portion of the force shall by turns perform duty by day and by night in the city and adjoining parts, and shall patrol the streets for the protection of property and the preservation of the peace and good order, for enforcing due observance to the laws and bye-laws, and for apprehending all violators of the same, and taking them before a magistrate to be dealt with according to law, or lodging complaints

against such violators, in case where the offender shall not be liable to be apprehended in the first instance. And a general chain of communication shall be kept up constantly between the several districts by means of mounted patrols.

19. All police officers of the force are hereby authorized and required to apprehend all loose, idle, or disorderly persons, whom they shall find ^{Gen police} ~~disturbing the public peace, or whom they shall see cause to suspect of any evil design, or shall find~~ lying about in any street or highway or other place, or loitering therein and not giving a satisfactory account of themselves, and bring, or cause such person to be brought, before a Police Magistrate at his office to be dealt with according to law; and in case such office shall not be open, then to commit every such person to safe custody for the time; and all police officers are hereby also authorized and required to prevent all offences, evils, and inconveniences whatsoever in the city or any of the towns and throughout this Island, and to disperse all mobs, to prevent all swearing, quarrelling, or improper behaviour, to enforce due observance of the sabbath-day, to impound all dogs, hogs, horses, goats, or other animals going at large, to apprehend all persons whom they may find plundering any growing crops, and all persons having in their possession stolen goods, knowing the same to be stolen, and strictly to prevent all firing of guns and pistols or other firearms, or of squibs, rockets, or other fire-works, or the flying of kites in the city or any of the towns or public roads of this Island, also every kind and description of furious, careless, or negligent riding or driving of horses or other cattle, and to prevent, if possible, any misconduct on the part of drivers of waggons, carts, or cranks, and to note the names of the proprietors of such vehicles, and the time and place where any such misconduct may occur, in order that the same may be reported to the serjeant of the district, who shall give the necessary information to the aggrieved party, or prefer a complaint before a Police Magistrate, and generally to look after whatsoever may concern the good order and peace of the Island.

20. A certain portion of the force shall be stationed under charge of a serjeant at Speight's-Town, consisting of not less than eight police officers, for the purpose of keeping regularity and enforcing the observance of the laws and bye-laws in said town, and it shall be lawful for the officers stationed at said town to reside at and use as a station-house the fort called Denmark Fort and premises attached thereto, and the same shall always be fitted up in a proper manner for their use, and a part thereof shall be allotted for the office of the Police Magistrate of said town; and a certain portion of the force, being not less than three, shall be stationed at Hole-Town, under charge of a corporal, for the purposes aforesaid, and the fort called James Fort and premises thereto attached shall be the station-house for the use and residence of this portion of the force, and shall always be suitably fitted up for the purpose, and a guard of sufficient strength shall be daily mounted during the twenty-four hours, at or near the village of Hastings in the parish of Christ Church, for better preserving peace and good order in that locality.

21. If any police officer shall be guilty of any neglect or violation of duty in his office, or shall neglect or refuse to obey and execute any warrant lawfully directed to be by him executed, or shall be guilty of any disobedience of the orders and regulations for the government of the police force, or other misconduct as a police officer, he shall, for every such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, forfeit a sum not exceeding Six Pounds, and the amount of such penalty may be deducted from any pay accruing due to such offender under this Act, upon a certificate thereof to be by the Police Magistrate or Justice of the Peace, before whom he may be convicted, transmitted to the Inspector-General; and it shall be lawful for such Police Magistrate or Justice in case such penalty shall not be paid, to commit the offender to the common gaol or house of correction for any

Detachments to be stationed at Speight's Town, Hole-Town, and Hastings.

Penalty on neglect of duty or disobedience of orders.

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Penalty on improper sale, purchase, or possession of police arms and clothing, &c., or personating a policeman.

Penalty on police officer selling his arms, &c.

Penalty for harbouring police officers on duty.

Common reputation to be evidence of a policeman's right to act.

Appropriation of fines under this Act.

Support and administration of Reward Fund.
See Act of 11 September 1863.

period not exceeding One Month, with or without hard labour. And all penalties so to be levied shall be paid over to the Treasurer of the Island.

22. If any person not belonging to the police shall have in his possession any arms or ammunition, or any article of clothing, accoutrements, or appointments, supplied to any person of the force, and shall not be able satisfactorily to account for the possession thereof, or shall put on or assume the dress, name, designation or description of any person, or any class of persons belonging to the force for the purpose of thereby obtaining admission into any house or other place, or of doing, or procuring to be done, any other act, which such persons so putting on or assuming such dress, name, designation, or description, would not by law be entitled to do or procure to be done of his own authority; or any person who shall knowingly purchase or obtain, or shall solicit or entice any person appointed to the force to sell or dispose of any of his arms, ammunition, clothes, or any articles of public property, or any article of forage provided for the horses of the force, every person so offending shall, on conviction before a Police Magistrate or Justice of the Peace, in addition to any other punishment the law may direct, forfeit for every such offence a sum not exceeding Ten Pounds, and not less than Three Pounds, and, in default of payment, be imprisoned for any period not exceeding Two Months, and kept to hard labour; and if any credible person shall prove on oath before a Police Magistrate or Justice of the Peace a reasonable cause to suspect that any person has in his premises any property of the description hereinbefore stated, the said Police Magistrate or Justice of the Peace may grant a warrant to search for such property as in the case of stolen goods. And any person belonging to the force who shall sell, lose, barter, or spoil any of his arms, clothing, or accoutrements, or who shall ill-use the horse entrusted to his care, shall be liable to instant dismissal, and to be proceeded against in a summary manner before a Police Magistrate or Justice of the Peace as in the case of servants' wages, for the recovery of an equivalent to the loss sustained or damage done to the public, besides any other punishment that may be awarded him by a court-martial, if it shall appear expedient to the Governor to order such court-martial; and any person who shall knowingly harbour, entertain, or either directly or indirectly sell or give any intoxicating liquor to any police officer, or permit such police officer, to abide or remain in his house (except in cases of extreme emergency), when on duty, shall, on conviction thereof, suffer a penalty of Three pounds for each offence.

23. If any question shall arise as to the right of any Inspector-General, Superintending serjeant, serjeant, corporal, or other police officer, to hold or execute their offices respectively, common reputation shall, to all intents and purposes, be deemed and held to be sufficient evidence of such right, and it shall not be necessary to produce any appointment, or any oath, affidavit, or other document or matter whatsoever in proof of such right.

24. Fines imposed on police officers, and all penalties and proportions of penalties and damages awarded to any person of the police, under this or any other Act in force, or hereafter to be passed, on any summary conviction, as the prosecutor of any information or otherwise, shall be paid over to the Treasurer of this Island, and be carried by him to account of the Police Reward Fund, established by the hereinbefore first-mentioned Act. And the said Treasurer shall deduct five pence per month from the pay of each private as at present, and a proportionate amount from the pay of the Superintending serjeant, and of each serjeant and corporal, and carry the same to the credit of such fund. And the said Reward Fund shall be appropriated for payment of such rewards, gratuities, bounties, pensions, or other allowances, as the Governor may from time to time award to persons belonging to the police or who may have served therein, and contributed to such fund from their pay as

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Rules for granting
pensions.

aforesaid, or to the widows and families of any such person, after his death. And the following rules shall be observed in granting any such pensions, that is to say:—When the person applying for the same shall be under sixty years of age, it shall not be granted, unless he is incapable from infirmity of mind or body to discharge the duties of his office, which incapacity must be certified by such medical person as the Governor may direct to inspect such individual; in which case, if he shall have served with diligence and fidelity for ten years, it shall be lawful to grant him an annual sum, not exceeding one-third of his pay; if above ten years, and less than fifteen, a sum not exceeding half of his pay; if above twenty years, a sum not exceeding two-thirds of his pay; and where the person applying shall be above sixty years of age, and he shall have served fifteen years or upwards, it shall be lawful, although there shall be no certificate of incapacity from infirmity, or injury of body or mind, to grant him by way of superannuation, an annual sum not exceeding two-thirds of the pay of his office; if sixty-five years of age or upwards, and he shall have served thirty years or upwards, a sum not exceeding three-fourths of the pay of his office; if sixty-five years of age and upwards, and he shall have served forty years, a sum not exceeding the whole of his pay. Provided, that if any such person shall be disabled by wound or injury received in the actual execution of the duty of his office, it shall be lawful to grant him such yearly allowance or remuneration as may, in the opinion of the Governor, be proportionate to the nature of the injury received, without reference to length of service: provided that such allowance or remuneration shall in no case exceed the one-half of such individual's pay. Provided also, that every such yearly superannuation allowances may at any time, after being granted, be commuted for a gratuity payable at once, at such rate as the Governor may direct. But if any individual shall leave the force, or be dismissed therefrom, he shall forfeit all claim on said fund; unless under very special circumstances, the Governor shall be pleased to make an exception in his favour. The Police Board shall have the control and management of the Reward Fund, and shall place at interest in any chartered bank of this Island all such accumulations of the fund as may not be required for the quarterly allowances granted therefrom; and for such purposes the said Board may draw orders on the Treasurer.

25. Where any person charged with a misdemeanor or petty felony shall be brought without the warrant of a Police Magistrate or Justice of the Peace into the custody of the Inspector-General, Superintending serjeant, or any serjeant of police, it shall be lawful for him, if he shall deem it prudent (provided the Police Magistrate before whom the party charged with such misdemeanor or petty felony is to be taken for examination on such charge, be not then in attendance at his office), to confine such person in the guard-room or other place of safe custody till the Police Magistrate can be made acquainted with the charge against such person; or to take bail by recognizance, without fee or reward from such person conditioned to appear for examination before a Police Magistrate at some place to be specified in the recognizance, and at such earliest time then next after, when such Police Magistrate shall be in attendance at his office; and every recognizance so taken shall be of equal obligation on the parties entering into the same, and be liable to the same proceedings for estreating thereof as if the same had been taken before a Police Magistrate or Justice of the Peace; and the name, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, and the sums respectively acknowledged, shall be entered into a book to be kept for that purpose, which book shall be laid before such Police Magistrate as shall be present at the time and place required, or within one hour after; and in case the party shall not appear, the Police Magistrate shall cause a record of the recognizance to be drawn up, and shall return the same to the next Court of Grand Sessions for this Island

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in which the offence charged shall be brought for trial, with a certificate at the back thereof, signed by such Police Magistrate that the party or parties had not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance, as of recognizances forfeited in the Sessions of the Peace. And if the party not appearing shall apply by any person on his behalf to postpone the hearing of the charge against him, the Police Magistrate may, if he think fit, enlarge the recognizance to a further time; and when the matter shall be heard and determined, either by the dismissal of the complaint or by binding of the party over to answer the matter thereof at the Sessions or otherwise, the recognizances for the appearance of the party before a Police Magistrate shall be discharged without fee or reward.

Officers to be appointed to attend the Magistrates and to execute their orders.

26. The Inspector-General, subject to the approval of the Governor, shall from time to time direct a sufficient number of men belonging to the police force, and of such ranks as shall be necessary and proper, to attend on the Police Magistrates acting in and for the city or any town, district, parish, or other division of the Island respectively, who shall obey and execute all the lawful writs, warrants, orders, and commands of such Police Magistrate, in all matters civil and criminal.

Endorsement of warrants.

27. When any writ, warrant, order, or command of any Magistrate shall be delivered or given to any police officer or serjeant of the police, he shall, if the time will permit, show or deliver the same to the officer (under whose immediate command he shall then be), and such officer shall nominate and appoint, by endorsement thereon, such one or more of the police officers under his orders, and such assistant or assistants to him or them as such officer shall think proper, to execute such writ, warrant, order, or command; and every such police officer or other officer whose name shall be so endorsed, and every such assistant as aforesaid, shall have all and every the same rights, powers, and authorities for and in the execution of every such writ, order, or command, as if the same had been originally directed to him expressly by name.

Protection to police officers in execution of their duties.

28. When any action shall be brought against any individual of the police force or assistant, for any act done in obedience to the writ or warrant of any Magistrate, such individual or assistant shall not be responsible for any irregularity in the issuing of such warrant or writ, or for any want of jurisdiction in the Magistrate issuing the same; and such individual or assistant may plead the general issue, and give such writ or warrant in evidence: and upon producing such writ or warrant, and proving that the signature thereto is the handwriting of the person whose name shall appear subscribed thereto, and that such person is reputed to be, and acts as a Magistrate for such parish or district, as the case may be, and that the act complained of was done in obedience to such writ or warrant, the jury or Court who shall try the issue shall find a verdict for such individual or assistant, who shall recover his costs of suit. And for the protection of persons acting in the execution of this Act, all actions and prosecutions to be commenced against any person for anything done in pursuance thereof shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one month at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action shall have been brought, or if a sufficient sum of money shall have been paid into Court after such action shall have been brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue his action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs of suit and have the like remedy for the same as any defendant

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hath by law in other cases, and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereon.

29. Where any person shall be charged on the oath of a credible witness before any Police Magistrate or Justice of the Peace with any offence punishable upon summary conviction under this Act, the Magistrate or Justice may summon the person charged to appear before him or any other Police Magistrate or Justice of the Peace, at a time and place to be named in such summons: and if the person charged shall not appear accordingly, then (upon proof of the due service of the summons by delivering a copy thereof to such person, or by delivering a copy to the wife or servant, or some inmate of the family of such person at his usual place of abode), the Magistrate or Justice before whom he ought to have appeared, may either proceed to hear and determine the case *ex parte*, or may issue his warrant for apprehending such person and bringing him before him: provided always that the prosecution for any offence punishable upon summary conviction under this Act shall be commenced within three months after the commission of the offence, and not otherwise.

Proceedings in offences punishable on summary conviction.

30. The Police Magistrate or Justice of the Peace by whom any person shall be convicted, and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as he may think fit, and that in default of payment at the time appointed, he shall be imprisoned in the common gaol or house of correction, with or without hard labour, for any time not exceeding Two Months where the sum to be paid shall not exceed three pounds, and for any term not exceeding Four Months where the sum shall not exceed six pounds, and in any other case for any term not exceeding Six Months; the imprisonment to cease in each of the cases aforesaid upon payment of the sum due and costs.

Proceedings against parties fined under this Act.

31. No conviction, order, writ, warrant, or other matter made or purporting to be made by virtue of this Act, shall be quashed for want of form, or be removed by certiorari or otherwise in any of her Majesty's Courts of Record in this Island, and no warrant of commitment shall be held over by reason of any defect therein, provided it be alleged therein that the party has been convicted, and there be a good and valid conviction to sanction the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceedings relating thereto; nor shall the party distraining be deemed a trespasser, *ab initio*, on account of any irregularity afterwards committed by him; but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, on any action upon the case.

Proceedings under this Act not to be quashed for want of form, &c.

32. Every officer or private of the police who shall begin, raise, abet, countenance, or excite mutiny, cause or join in any sedition or disturbance in the company to which he belongs, or in any party, post, detachment, or guard, on any pretence, or who, being present at any meeting tending to sedition, shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, rebellion, or insurrection, shall not without delay give information thereof to the Police Magistrates, or some Justice of the Peace of his district, or who shall strike the Police Magistrate of his district, or any superior officer under whom he may be placed, or who shall draw or offer to draw, or lift up any weapon, or offer any violence against him, or shall challenge or send, or cause to be sent, or who shall carry a challenge to, or insult, abuse, or affront him, or shall disobey any lawful command of his superior officer, or who shall refuse or neglect to perform such duty as shall be legally required of him, or who shall without leave of his commanding officer, leave or quit his

Officers subject to court-martial.

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Powers and constitution of court-martial.

company, or any party, detachment, or guard thereof, or who shall advise or persuade any other officer or private to quit his company, or any party, detachment, or guard thereof, without leave from his commanding officer; or whatsoever serjeant, corporal, or private who shall be acting as a sentinel, shall be found sleeping on his post, or shall leave it before he shall be duly relieved; or whatsoever serjeant, corporal, or private shall make known the watchword to any person who is not entitled to receive it, or who shall give a parole or watchword different from what he received, or shall otherwise misbehave himself, every such serjeant, corporal, or private so offending shall be liable to be tried by a court-martial, and may be placed under arrest by the Police Magistrate of the district, or by any superior officer under whose order or command he may then be, until he shall have been tried by such court-martial, and being convicted of any or either of the said offences by such court-martial, shall suffer such fine and imprisonment, or either, as such court-martial shall inflict or award, such fine not to exceed Sixty Pounds, and such imprisonment not to exceed Twelve Months, such fine to be levied and raised as in the case of servants' wages by execution to be issued under the hand and seal of the Governor, and paid into the Public Treasury of this Island; and if such punishment shall be imprisonment, by warrant under the hand and seal of the Governor, directed to the keeper of the common gaol of this Island, who is hereby authorized to detain and keep in prison the person so convicted for the time for which he shall be by such court-martial ordered to be imprisoned; and the Governor may from time to time grant a commission under his hand and seal for the holding of a court-martial in this Island to any Colonel or other Field Officer of the Militia of the district to which the offender belongs, empowering him to convene a court-martial for the trial of any of the aforesaid offences, to meet at any time not less than seven days after notice thereof, which court-martial shall be composed of any number not less than five of the Commissioned Officers of the Militia of the district, and shall regulate its proceedings according to the provisions specified in the Militia Act of this Island.

Penalty on persons assaulting, &c., any person belonging to the police force in the execution of his duty.

33. If any person shall assault, obstruct, or resist any person belonging to the police force in the execution of his duty, or shall aid or excite any person so to assault, obstruct, or resist, the offender shall for every such offence, on conviction thereof before a Police Magistrate or Justice of the Peace, forfeit a sum not exceeding Six Pounds, and the Magistrate or Justice may, if he shall think proper, instead of imposing a fine upon the offender, commit him to the common gaol or house of correction for a period not exceeding Two Months, with or without hard labour, but nothing herein contained shall exempt any such offender from his liability to be sued or prosecuted under the general law, but he shall not be punished both under this Act and the general law.

Officers of the force exempted from serving in Militia, &c.

34. The Inspector-General and other officers of the force are hereby exempted from serving in the Militia and on all juries and inquests, and every individual of the force shall be free from arrest when on duty, and no article the property of the public shall on any pretence whatever be taken for the debt of any person belonging to the police.

Duties of the police in cases of riots, &c.

35. In all cases of riots, combined insubordination, or other dangers of the public peace, the Magistrates of the city and of the several districts are hereby authorized to apply to the Inspector-General, and in his absence to the Superintending serjeant or to the serjeant of the district, to order on duty such number of the police force as shall be sufficient to restore order and decorum; and if the force of the district shall not be sufficient, then the Magistrate shall call on any of the neighbouring districts for such additional force as shall be necessary, and such force shall act under the orders of the Magistrate in quelling such riot or other disturbance of the public peace; and on such occasions, as also in all emergencies and dangers to the public peace, it shall be lawful for the Governor to cause any number of persons to be sworn in as special

constables by any Police Magistrate or Justice of the Peace in aid of the police force. And the Governor may issue such orders as he shall think necessary to the Police Magistrates of the city and of the several districts in such manner as he shall think proper for preserving the peace of the Island.

36. The penalties and forfeitures under this Act shall be to her Majesty, her heirs and successors, and when not otherwise provided, shall be recovered, together with costs, in a summary manner as in the case of servants' wages, before any Police Magistrate or Justice of the Peace, and when not otherwise appropriated, shall be paid into the Public Treasury for the uses of the Island. And if the person prosecuting for the recovery of such penalty or forfeiture or for any other penalty or forfeiture under any other Act shall belong to the police force he shall be a competent witness in support of the same before any Court of Justice, Police Magistrate, or Justice of the Peace. Appropriation and recovery of penalties and forfeitures.

37. The Inspector-General shall, at the end of every three months, lay before the Legislature a statement of all sums of money paid over by him to the Treasurer of the Island for the uses of the public and of the Reward Fund respectively; and he shall also from time to time lay before the Legislature returns made up respectively to the thirtieth June and thirty-first December in each year, of the number and rank of the police employed at the central station and in each of the districts, and the pay and allowances enjoyed by them respectively. Accounts to be laid before the Legislature.

38. This Act shall come into operation on the thirteenth of August next, and continue in force for three years. Act to continue in force for three years.

SCHEDULE A.

The Inspector-General of Police shall be under the immediate direction and command of the Governor, to whom he will be responsible for the general duties of the whole force, together with the interior economy and expenditure thereof; he will make reports and communications to the Governor relative to the military efficiency, equipment, and expenditure of the force, with all recommendations for promotion or dismissal from the force; he will report upon the discipline and efficiency of the whole force; and as he will be held responsible for the performance of all orders issued to the force, he must give clear and precise instructions, through the proper channels, for the carrying such orders into execution, and he will not fail to report every instance of neglect or disobedience to the Governor; he will frequently visit the police stations in each district, hear any complaints from the men, inquire into them, inspect the stabling and horses, also every part of the establishment, and examine all diaries and reports, a statement after such inspection will be required of him, with general remarks as to the condition of each station, for the information of the Governor; he will be required to examine all expenditure and charges of the force with a view to their reduction, if possible; he will examine on oath into the truth of any charges or complaints preferred against any person belonging to the force, of any neglect or violation of duty of his office, and report thereon for the information of the Governor, and any person who on such inquiry, or on any other occasion on which an oath may be administered under this Act shall give false evidence or take a false oath, and be thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to; he shall have the power to inflict small fines on the police officers of said force, not exceeding Sixteen Shillings, for neglect of any duty, stopping said penalties from the next issue of pay to such police officers, or he may stop their leave of absence, or order additional drill or duty, to the best of his discretion and judgment, his decision being in all cases to be forthwith reported to the Governor for his approval or disallowance, and in any case in which such police officer wishes to submit such decision to his Excellency he

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shall be at liberty to forward the same to the Governor through such channel as shall from time to time be pointed out, he shall have the power to suspend officers of the force, and to place them under arrest, but must forthwith report such proceeding to the Governor: he will be required to forward to the Governor half-monthly returns of a (prescribed) form, with any remarks he may think necessary for promoting the efficiency of the force. The Superintending serjeant shall be under the immediate command and direction of the Inspector-General, and shall promptly and strictly attend to all the orders issued by him, and see that they are duly observed; and he shall to the utmost of his power uphold the authority of the Inspector-General in all things relating to the public service. On the zeal, activity, and intelligence of the serjeants much depends, as from their closer intercourse with the men, their example and performance of their duties will the more frequently meet their eye; on this account, particularly, they must never spare themselves when the public service requires their assistance; they must exact a ready obedience to their orders, and in the event of non-compliance on the part of any of the men they must, without any altercation, and with coolness and temper, forthwith confine the individual offending, reporting same to the Inspector-General; and in the event of any man complaining of injustice towards him, such complaint must be forwarded by the serjeant of the district to the Inspector-General. By a strict and uniform attention to all the duties and orders of their posts they will best consult their own interest, as such a line of conduct will place them above the fear of recrimination in the event of their being obliged to report any misconduct on the part of their men, from whom it will be necessary for them to observe a proper distance, which will prevent, on their part, that want of respect for their authority which generally ensues from undue familiarity; they must respect and uphold the authority of their superiors, and check at once any inclination on the part of their men to speak disrespectfully of them, or of any magistrate or other authority; they must be perfectly impartial in the roster for the different duties of their posts, and must make a true entry in the diary of the station of all patrolling and every duty performed by them; they will be held strictly responsible for the appearance of their men and barracks, the condition of their horses, the state of their arms, ammunition, and appointments, and every article of public property committed to their charge; they must set an example of neatness in their dress and appointments, and if they suffer intoxication, disobedience of orders or neglect of duty, without reporting such as early as practicable to the Inspector-General, they will subject themselves to be reduced to the rank of privates, by the Governor, or to instant dismissal, as unfit for the service, or to any punishment which in addition a court-martial may award, should the Governor deem it necessary to bring the offender to trial; they must endeavour to make themselves thoroughly acquainted with all roads, passes, residences, and characters in their districts: and, in short, be enabled to give ample information on all such points whenever called on; they will carefully inspect all parties coming off and going on duty, and see that the arms and ammunition are in perfect and serviceable order; they will particularly observe that their men are perfectly sober on both those occasions; they must take care that all orders are carefully read and explained to their men, and that all standing rules and regulations are strictly adhered to; they will take every convenient opportunity of drilling their men, and must make a careful inspection, at least once in each fortnight, of their clothing. As the police officers may hope to rise by activity, intelligence, and good conduct to a superior rank, and as they cannot hold the superior office, no matter how exemplary their conduct, without being able to write an official report or letter to the satisfaction of the Inspector-General, it will be the interest of each private to devote every hour which he can spare from his duty to qualify himself for promotion and to the general improvement of his mind. He must be neat and clean in his dress and

appearance, and dressed on all occasions of duty in uniform, he must be prepared at all times for any duty which may be required of him, and readily and punctually obey the orders and instructions of his serjeant, always bearing in mind that his first duty is perfect obedience to all the lawful orders of his superiors, which he should receive with respect and deference. He is to be ever on the alert for the prevention of crime, and is never to omit to report to his superior officer any circumstance which may appear to affect the public peace, or the force in the most remote degree. As unanimity amongst the force is of the highest importance, any man who is inclined to disturb that harmony, or to quarrel with his comrades, will be considered unfit for promotion. It will further be the duty of each individual of the police to cultivate the good opinion of the gentry and people of all classes in the Island, which he may hope to obtain by a proper demeanour, by sober and orderly habits, with a prompt desire to afford every assistance to all persons needing it, and a ready zeal to execute the lawful orders and commands of the magistrates and those in authority over him; he should also be sedulous to cultivate a good understanding with the army, navy, and all other public services. No police officer is on any account to enter any house when patrolling, or on any other duty, except in the execution of his duty, or in case of extreme emergency; he will continually bear in mind, that a firm discharge of his duty, with a perfect command of temper, is a high qualification for a man in his station; and that on taking persons into custody, he will not be sanctioned in doing more than is necessary for the safe custody of his prisoner; and that any instance of unnecessary violence, or abuse of the powers or weapons placed in his hands, will be severely punished. He will be particularly careful to abstain from the use of intoxicating liquors, which would incapacitate him for the proper discharge of his duties, and every instance of drunkenness on duty will meet with immediate dismissal, or such other punishment as the Inspector-General may be authorized to award, subject to the approval of the Governor; and in all instances of drunkenness at other times, if not visited by dismissal will be severely punished, and no excuse will be allowed for the degree of intoxication.

No. 240.

No. 240.
26 August 1852.

26 August 1852.]—AN ACT relating to the Law of Patents.

WHEREAS by an Act of the Imperial Parliament made and passed in the fifteenth and sixteenth years of her Majesty's reign, entitled "An Act for amending the Law for granting Patents for Inventions," it is provided that nothing in that Act contained shall be deemed or taken to give any effect or operation to any letters patent to be granted under the authority of that Act in any colony in which such or the like letters patent would be invalid by the law in force in the same colony for the time being: And whereas the Legislature of this Island has for upwards of a century been in the habit of passing Acts granting exclusive privileges in this Island, on certain conditions, to the inventors of new and useful discoveries with the assent of the Crown: And whereas the long acquiescence by the Crown in this mode of granting patents in this Island may reasonably be considered as entitling this colony to the benefit of the proviso in the said Act; but in order to remove all doubts on this head, and to foster and encourage the manufacture of the staple articles of the Island, we, the Governor, Council, and Assembly of this your Majesty's Island of Barbados, humbly beseech your Majesty that it may be declared and enacted, and be it accordingly declared and enacted by his Excellency Ker Baillie Hamilton, esquire, the Administrator of the Government of this Island, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same—

No. 240.
26 August 1852.

Declares that no letters patent relating to the manufacture of sugar shall be valid here unless granted by Local Act.

1. That no letters patent hereafter to be granted relating to the manufacture of sugar or any other product of this Island, or to any process or machinery connected therewith, shall be of any validity in this Island unless the same be granted by an Act of this Island. Provided always that nothing in this Act shall be taken to give any effect or operation to any letters patent which may have been granted previously to the passing thereof, but that such letters patent shall have the same force and effect, and no other, as they would have had in case this Act had not been passed.

No. 241.

No. 241.
22 December 1852.

22 December 1852.]—AN ACT to provide for the erection of a New Slaughter-house, and for other purposes in relation to the Public Market of Bridge-Town.

[Clauses 3 and 4 had their effect.]

Preamble.

WHEREAS in view of the public health the Commissioners of the Market of Bridge-Town caused the slaughter-house attached to said market to be closed on the twentieth of September last, and since then the slaughtering of animals has been carried on at a private slaughtering establishment taken on rent for that purpose by the Commissioners, and it is expedient that a new slaughter-house should be forthwith erected: Be it enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

A slaughter-house to be erected at the back of the market.

1. The Commissioners appointed under the authority of the Public Market Act of the Twentieth of November One thousand eight hundred and forty-eight, or any sufficient Board of them, shall forthwith proceed to have a slaughter-house, of such size and construction as they may think best, erected in the sea aback of the market premises, and they shall have the same fitted up with all necessary things for the accommodation of butchers in the slaughtering of animals of every description, and they shall cause proper means to be adopted for enabling the butchers to take their meats from the slaughter-house to the market shambles for sale.

The site is to be filled up.

2. Whereas the basin or inlet of the sea aback of the market premises which carried off the blood and offal from the slaughter-house is now acted on so feebly by the tide that it has become almost stagnant, and it is deemed expedient to have said basin or inlet filled up. Therefore the said Commissioners, or any sufficient Board of them, shall forthwith take the necessary steps for having the said basin or inlet filled up, and the action of the sea altogether excluded from the same.

The same rules and regulations to apply to the new as to the old slaughter-house.

5. When said slaughter-house shall be completed, it shall be used as the slaughter-house of the public market of Bridge-Town, and the provisions of the recited Act, and the rules and regulations in force thereunder, and the tolls fixed for the killing and slaughtering of animals, shall apply to the same in as full and ample a manner to all intents and purposes as they apply or can apply to the slaughter-house of said market so now closed as aforesaid.

Sanctions the arrangements made for a temporary slaughter-house.

6. The acts of the Commissioners in closing the aforesaid slaughter-house and renting another are hereby confirmed, and they shall have power to retain the same on rent, or to rent any other premises as a temporary slaughter-house until the slaughter-house to be erected as aforesaid shall be completed, and the Governor-in-Council shall, on the certificate of the Commissioners, issue warrants to the Treasurer of the Island for payment of the sums due in respect of such renting.

7. In future cases of necessity the Commissioners, with the sanction of the Governor and Council, may at any time take premises on rent for the purposes of a temporary slaughter-house or temporary public market, and for the payment of the rent and incidental expenses warrants shall be issued by the Governor-in-Council on the Treasurer of the Island.

No. 241.
22 December 1852.

Sanctions similar temporary arrangements in future, if necessary.

8. The provisions of the recited Act and the rules and regulations in force thereunder shall apply to the premises so held on rent for a slaughter-house as aforesaid, and the same shall also apply to any other premises which may at any time hereafter be taken on rent and held by the Commissioners as a temporary slaughter-house or a temporary public market; but butchers using the slaughter-house so held on rent as aforesaid shall be exempt from the payment of tolls in respect thereof.

Rules and regulations of the former slaughter-house to apply to temporary slaughter-houses.

9. To remove any doubt as to market-places or slaughter-houses being "public places," it is hereby declared that the market-place aforesaid and the slaughter-house so held on rent as aforesaid, and all other premises which may at any time be held under the authority of the said Commissioners as a slaughter-house or market-place, shall be deemed and taken to be "public places" within the provisions of law for punishing offences committed in "public places," but nevertheless without prejudice to the provisions of Acts specially applicable to slaughter-houses or market-places.

All such slaughter-houses to be deemed public places.

10. The fifth and sixth clauses of the recited Act, requiring special license to slaughter animals at any other place within the limits of Bridge-Town than at the slaughter-house of the public market, shall not apply to any person who has slaughtered or shall slaughter animals in said slaughter-house so held on rent by the said Commissioners as aforesaid, nor to any person who shall slaughter animals in any other place which may at any time hereafter be used as a slaughter-house under the authority of the Market Commissioners.

Special licenses to slaughter not required for temporary slaughter-houses.

No. 242.

No. 242.
3 February 1853.

3 February 1853.]—AN ACT to amend the Act of this Island regulating the Pews, Sittings, and Seats in the several Parish Churches, Chapels, and other places of Divine Worship, 1834.

WHEREAS by the third clause of the recited Act, the Ninth day of April, One thousand eight hundred and thirty-four, the Committee appointed to regulate and make allotments of the pews, sittings, and seats of chapels or other public places of worship are empowered to affix a moderate rent thereon, and to apply the same to the repairs and uses of such chapels or other places of public worship as shall to a majority of them seem meet, such allotments and application of rents to be with the sanction and approval of the Bishop of the diocese: And whereas doubts have arisen whether the word uses would apply to the repairs or improvement of the curates' houses attached to chapels or other places of public worship, and it is deemed expedient that a discretionary power should be given to the Committee of Management to make such application should they consider it necessary: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That from and after the passing of this Act it shall be lawful for the Committees of Management of chapels or other places of public worship within this Island to apply the rents arising from the pews, sittings, and seats of such chapels or other places of public worship, not only to the repairs and uses of such chapels or other public places of worship, but to the

Preamble.

The pew rents having been hitherto deemed applicable only to the repair of the chapels, &c., may be henceforth applied also to the repairing the curates' houses.

No. 242.
3 February 1853.

erection or procuring of houses for the respective curates thereof, and to the repairs and improvements of such houses, and of the curates' houses now attached and belonging to any of said chapels or other public places of worship, as also to all incidental and other expenses in the management of such chapels or public places of worship as shall be deemed most advisable by a majority of such Committees of Management; but such application of rents as aforesaid shall be with the sanction and approval of the Bishop of the diocese: provided, nevertheless, that in all cases where any chapel or other place of worship, with its respective chapelry house, shall at the same time require repairs, the repairs of the chapel or other place of worship shall have the precedence in the order of such repairs; and all and every application of any portion of the aforesaid rents arising from the pews, sittings, and seats of any such chapels or other places of public worship is hereby prohibited as contrary to the meaning and intent of this Act until the current expenses of any such chapel or other place of public worship shall have been first met and defrayed touching all the ordinary uses and repairs thereof.

No. 243.
17 February 1853.

No. 243.

17 February 1853.]—AN ACT to alter, amend, and continue in force the Public Health Act of this Island, 1851.

Preamble.

WHEREAS it is expedient that the Public Health Act of this Island of the Nineteenth of February, One thousand eight hundred and fifty-one, which will expire on the Eighteenth of February, One thousand eight hundred and fifty-three, should be altered, amended, and continued in force: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the Assembly of this Island, and by the authority of the same, That—

Power of the Vestries to appoint Inspectors of Health repealed.

1. The sixth clause of the recited Act, authorizing the Vestries of the several parishes of this Island to appoint Inspectors of Health for their respective parishes, and to fix the rate of remuneration for their services, shall be and the same is hereby repealed.

Commissioners of Health to estimate sums required for sanitary purposes, and the amount to be assessed by the Vestry.

2. Instead of the Vestries placing at the disposal of the Commissioners of Health appointed and to be appointed under the authority of the recited Act, such sums of money for the purposes of said Act as provided in the eighteenth clause thereof, the said Commissioners shall, within one month after the passing of this Act, and between the twenty-fifth day of January and twenty-fifth day of March in each ensuing year, make a return to the Vestries of their respective parishes of the sums of money which shall appear to them to be required for ordinary sanitary purposes for the ensuing year; and in cases of sudden exigency, such as the unexpected appearance of dangerous epidemics, requiring further sums, the Commissioners shall from time to time make a special return thereof to the Vestries of their parishes; and the Vestries are hereby required to raise and place in the hands of their Parochial Treasurer all such sums of money as may from time to time be called for by the Commissioners of Health in any return which may be so made to them as aforesaid; such sums to be specially raised by the Vestries under the authority given to them in said eighteenth clause of the recited Act as may be deemed necessary.

The Commissioners of Health, and not the Vestries, to make bye-laws.

3. Whereas by the fourth clause of the recited Act, the Vestries of the several parishes of this Island are empowered to make bye-laws in the manner and for the purposes therein provided: and whereas, it is deemed expedient to transfer such powers to the Commissioners of Health—wherefore the said fourth clause shall be and the same is hereby repealed

—and the Commissioners of Health appointed and to be appointed under the authority of said Act, shall from time to time make such bye-laws as they may deem necessary to ensure cleanliness within their respective parishes, and promote the health of the inhabitants; and the said Commissioners shall submit all such bye-laws to the Board of Health, and to the Governor and Council for approval and confirmation, and on their being approved and confirmed, and published three times in the Official Gazette of this Island, they shall be binding on all persons to whom they relate: And the said Commissioners of Health may repeal or alter any such bye-laws by any subsequent bye-laws, to be approved, confirmed, and published as aforesaid: Provided that no such bye-laws be repugnant to the laws of England or of this Island, or to the provisions of this Act, and all and singular the provisions of the recited Act applicable to bye-laws made by Vestries, and the penalties provided in relation thereto, shall apply to and be enforced in respect of the bye-laws to be made by the Commissioners of Health, under the authority of this Act.

4. The Commissioners of Health, or the major part of them, shall, whenever they deem it expedient, appoint fit and proper persons to be Sanitary Inspectors, to aid and assist them in the execution of the recited Act, and in carrying out the orders and directions of the Board of Health, and the bye laws made and to be made in pursuance of the provisions of the recited Act and this Act. And the said Commissioners of Health shall assign, out of the funds at their disposal, such rate of remuneration to the Sanitary Inspectors as they may deem sufficient for their services. As there may be occasion, the said Commissioners, or the major part of them, shall draw orders on the Parochial Treasurer of their respective parishes, for the sums of money raised for sanitary purposes; and it shall not be lawful for the said Treasurer, and he is hereby expressly forbidden, to apply any part of such money to any other parochial purpose whatsoever.

Commissioners of Health to appoint Sanitary Inspectors, and to draw for the necessary sums on the Parochial Treasurer.

5. The Board of Health may, if they think fit, appoint from time to time some fit and proper person to be their clerk, to attend their meetings, and take and keep minutes of their proceedings, and to do and perform such other acts and things as may be required of him; and the person so to be appointed shall be allowed a salary at the rate of twenty pounds per annum, to be paid quarterly by the Treasurer of the Island, under warrant from the Governor-in-Council, upon the certificate of the President of the Board of Health.

Power to Board of Health to appoint a clerk.

6. The Representatives in the General Assembly for the city of Bridge-Town, and for the several parishes of this Island are, under the provisions of the recited Act, appointed Commissioners of Health, and the Vestries of the several parishes are empowered to appoint from time to time, as there may be occasion, not less than five of their own body, to be Commissioners of Health for their respective parishes, to be associated with the Commissioners appointed by said Act: And whereas it is expedient that the number of vestrymen to be appointed Commissioners should be limited, therefore, from and after the passing of this Act, the number of vestrymen to be appointed Commissioners of Health shall not exceed five for each parish. And it is expedient that the powers of the Representatives as Commissioners should not be affected during the recess of the Legislature: It is therefore hereby declared and enacted, That notwithstanding the expiration, dissolution, or prorogation of the General Assembly, the powers and authorities of the Representatives for the city of Bridge-Town, and for the several parishes of the Island, as Commissioners of Health under the provisions of the recited Act, shall in no way be affected, but that the persons being such Representatives shall, notwithstanding the expiration, dissolution, or prorogation of the said General Assembly, have and exercise the like powers and authorities under the aforesaid recited Act and this Act, as if the General Assembly were in session.

Appointment of Commissioners of Health.

410 *Authorizing Sale of Glebe Lands of the Parish of St. Michael.*

No. 243.

17 February 1853.

Act to continue in
force for three years.

7. This Act and the recited Act shall be construed together as one Act, and shall continue in force until the Eighteenth of February, One thousand eight hundred and fifty-six.

No. 244.

1 March 1853.

No. 244.

1 March 1853.]—AN ACT to authorize the Sale of the Glebe Lands of the parish of St. Michael, and the purchase of other Lands in lieu thereof.

Preamble.

WHEREAS the Reverend Thomas Clarke, rector of the parish of St. Michael, hath preferred his humble petition to the General Assembly, setting forth that the glebe lands of the parish being in detached portions, and inconveniently situated (two portions of which having been selected and taken for the public uses, the purchase-money whereof has not yet been appropriated), it was deemed advisable to sell the remaining portion, and to invest the whole amount of money arising as well from such sale as from the sale of the portions already taken for the public uses, in other lands more conveniently situated for the purposes of a glebe, and for the benefit of the successive incumbents of the parish—wherefore he prayed that power might be granted to the rector for the time being of said parish, by and with the consent of the patron of the living and Bishop of the diocese, to sell and dispose of the remaining portion of the glebe lands of the said parish, and to invest the money arising from such sale in the purchase of other lands more conveniently situated for the purposes of a glebe, and for the benefit of the incumbents: And whereas it does not seem objectionable to grant the prayer of the petition: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That it shall be lawful for the rector for the time being of the said parish of St. Michael, by and with the consent of the patron of the living and Bishop of the diocese, to sell and dispose of the remaining portions of the glebe lands of the said parish of St. Michael, and to sign, seal, and deliver good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and which shall be binding on the said rector and his successors; and the purchase-money thereof shall be paid to the Archdeacon of Barbados and the rector of the said parish, who shall give receipts and discharges for the same, and invest it in the purchase of other lands more conveniently situated for the purposes of a glebe, and for the benefit of the said rector and his successors, rectors of the said parish of St. Michael: Provided that the whole of the said glebe lands shall be sold and disposed of before any other lands are purchased; and provided also that before any of the said glebe lands shall be sold, the same shall be valued by a jury, to be summoned and held in the manner practised and established by law, in the laying out of new roads, and the appraisements thereof shall be the upset price: and until the moneys arising from such sales shall be applied in the purchase of other lands, the same shall be invested in the names of the Archdeacon of Barbados and the rector of the said parish—provided that in any purchase so to be made, the land purchased shall be valued by a jury in like manner as the lands sold: Provided always that nothing in this Act contained shall extend or be construed to extend to affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any persons whomsoever, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

Power to the rector to sell present glebe lands, and invest the purchase money in other lands. The lands sold to be appraised as well as those to be purchased.

No. 245.

No. 245.
23 March 1853.

23 March 1853.]—AN ACT to authorize the purchase of a certain spot of Land to be added to the Central Police Station in the city of Bridge-Town.

WHEREAS it has been recommended by the Board of Police Commissioners Preamble. that a spot of land containing 12,544 square feet, situate to the south-east of the central police station in the city of Bridge-Town, and bounding on said station and Cleridge Street, should be purchased and added to the station: And whereas it is expedient that the recommendation be carried out: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That—

1. The said Board of Police Commissioners is hereby authorized and empowered to contract for and purchase the said spot of land for a sum not exceeding Four hundred and fifty pounds, and to have the same added to the said central police station. The sum of 450l. is authorized for the purchase.

No. 246.

No. 246.
18 April 1853.

18 April 1853.]—AN ACT to consolidate and amend the Laws relating to the care and maintenance of Lunatics.

WHEREAS it is expedient to consolidate and amend the laws relating to the care and maintenance of lunatics: Be it therefore enacted by his Excellency Sir William Macbean George Colebrooke, Knight, Colonel in her Majesty's Royal Regiment of Artillery, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief, the Honourable the Members of her Majesty's Council, and the General Assembly of this Island, and by the authority of the same, That— Preamble. See Act of 24 August 1872.

1. The following Acts relating to the care and maintenance of lunatics, That is to say—an Act passed the 4th June, 1840; an Act passed the 20th December, 1842; an Act passed the 11th May, 1846; an Act passed the 16th February, 1847; and an Act passed the 24th December, 1851, are hereby repealed. Repeals former Acts.

2. Whereas it is expedient that the buildings and premises situate in the parish of Saint Michael called the lunatic asylum should, as at present, be under the direction and management of a Board of Superintendence; and which Board it is hereby provided shall be composed of the Bishop of the diocese, the President of her Majesty's Council, the Speaker of the House of Assembly, two Members of her Majesty's Council, and four Members of the House of Assembly to be nominated by the Governor; and they or any five of them shall form a Board of Superintendence for the purposes of this Act. In the absence from the Island of the Bishop, the Archdeacon, or in his absence the Rural Dean, shall be a Member of the Board. And the said Board of Superintendence or any five of them shall also be and form the Board of Superintendence for the purposes of the Act of this Island passed the twenty-fourth day of January, One thousand eight hundred forty-six, for the care and maintenance of persons afflicted with leprosy. The asylum is placed under a Board of Superintendence. Constitution of the Board.

3. Immediately after the passing of this Act the said Board of Superintendence shall have all and every the buildings of the said lunatic asylum put into a state of proper repair; and they shall have twelve additional wards erected for the better accommodation of lunatic patients; and the Governor-in-Council is hereby authorized and respectfully requested to grant a warrant to the Treasurer of the Island requiring Buildings to be repaired; and additional accommodations provided for patients.

No. 246.
18 April 1853.

The Board are to keep the buildings in repair, and to see that all necessary supplies are provided for the establishment, for which money will be placed at their disposal on quarterly requisitions.

Power to the Board to make rules and regulations.

Power to the Governor to appoint officers and servants.

The lunatics to remain in confinement till discharged. Apprehension of lunatics at large; and proceedings to be thereupon taken.

him to pay to the orders of the Board such sums of money as shall be drawn for by them in making such repairs and erecting such additional wards not exceeding in the whole the sum of Two thousand pounds.

4. The Board shall take care that the buildings of the asylum are at all times kept in proper repair and sufficiently furnished with all necessary things for the use of the persons confined therein, and they shall from time to time make and give such orders and directions as to them may seem fit for the proper supply of food, medicines, and clothing requisite for such persons as shall be kept in confinement in the asylum; and in order that funds may always be at their disposal to meet the cost thereof and otherwise for the purposes of the asylum, the said Board shall at the end of every quarter or at such other times as may be found necessary, certify to the Governor-in-Council the amount of money which will be required during the three months next ensuing in carrying out the provisions of this Act, and the Governor-in-Council is hereby authorized and respectfully requested to issue a warrant to the Treasurer of the Island requiring him to apply the amount of the money therein specified for the use of the lunatic asylum, as the same shall be drawn for by the Board of Superintendence, and who are hereby required to draw orders accordingly on the said Treasurer for payment of such repairs and supplies, the salaries of the officers, servants, and attendants of the establishment, and all other incidental and necessary expenses.

5. The rules and regulations for the management and conduct of the asylum, made by the Board of Superintendence under the authority of the first recited Act, shall remain in force until altered or annulled by the Board of Superintendence appointed under the authority of this Act, who have hereby given to them when sitting as a Board full power and authority to alter or annul from time to time such rules and regulations or any of them, and to make such new or other rules and regulations as to them shall seem expedient for the management and conduct of the said asylum, in which regulations shall be set forth the number and description of officers, servants, and attendants to be employed, the duties to be required of them, and what salaries shall be respectively paid to them; which rules and regulations shall be first submitted for the approval of the Governor, and when approved the same shall be valid and binding.

6. The Governor shall appoint from time to time all the officers, servants, and attendants of the said asylum, and he may discharge them and appoint others in their room. The salary of One hundred pounds per annum at present received by the physician, and the salary of One hundred and fifty pounds at present received by the resident superintendent, shall be continued to them so long as they remain in office, but whenever either of the situations shall become vacant, a temporary appointment only shall be made until the other situation shall become vacant, and then the Governor shall appoint a member of the medical profession to perform the duties of physician and resident superintendent at a salary of Four hundred pounds per annum.

7. The lunatics and other insane persons now in confinement in the asylum shall continue in such confinement until duly discharged.

8. If any person, by lunacy or otherwise, shall be so furiously mad, or so far disordered in his senses that it may be dangerous to permit him to go abroad, it shall be lawful for the Board of Superintendence or any two Justices of the Peace, by warrant under their hands and seals directed to a police-officer or constable, to cause such person to be apprehended and brought before them: and the Board of Justices, as the case may be, shall, with the aid of two physicians or surgeons, inquire as to the insanity of such person, and if it shall be duly certified to the Board or Justices by said two physicians or surgeons that such person is insane, such person shall, by the warrant of the Board or Justices, be conveyed to the said lunatic asylum, there to be safely kept and confined until he shall be duly discharged.

No. 246.
18 April 1853.

9. If any person, whilst detained in any prison, or other place of confinement, under sentence of death, transportation, or imprisonment, or under a charge of any offence, or for not finding bail for good behaviour, or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction or order by any Police Magistrate or Justice of the Peace, or under any other civil process, shall appear to be insane, it shall be lawful for any two Justices of the Peace to inquire, with the aid of two physicians or surgeons, as to the insanity of such person; and if it shall be duly certified by such Justices and such physicians or surgeons, that such person is insane, it shall be lawful for the Governor, upon receipt of such certificate, to direct, by warrant under his hand, that such person shall be removed to the lunatic asylum; and every person so removed there shall remain under confinement in the asylum until it shall be duly certified to the Governor by two physicians or surgeons that such person has become of sound mind, whereupon the Governor is hereby authorized, if such person shall still remain subject to be continued in custody, to issue his warrant to the resident superintendent, or other person in charge of the asylum, directing that such person shall be removed back from thence to the prison, or other place of confinement from whence he shall have been taken, or if the period of imprisonment or custody of such person shall have expired, that he shall be discharged.

Proceedings to be taken in cases of lunatics who are in prison.

10. If upon the trial of any person charged with treason, murder, or felony, or with any misdemeanor, it shall be given in evidence that such person was insane at the time of the commission of such offence, and such person shall be acquitted, the jury shall be required to find specially whether such person was insane at the time of the commission of such offence; and to declare whether such person was acquitted by them on account of such insanity, and if they shall find that such person was insane at the time of committing such offence, and was in consequence thereof acquitted by them, the Court before whom such trial shall be had, shall order such person to be kept in strict custody, in such place and in such manner, as to the Court shall seem fit, until her Majesty's pleasure shall be known, and it shall thereupon be lawful for her Majesty to give such order for the safe custody of such person during her pleasure in such place, and in such manner, as to her Majesty shall seem fit; and in all cases, where any person before the passing of this Act has been acquitted of any such offence on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person, by order of the Court before whom such person has been tried, and still remains in custody, it shall be lawful for her Majesty to give the like order for the safe custody of such person during her pleasure, as her Majesty is hereby enabled to give in the case of any person who shall hereafter be acquitted on the ground of insanity.

Persons acquitted of crimes on the ground of insanity—how to be dealt with.

11. In cases of pauper lunatics, in which the aid of physicians or surgeons may be required under the authority of this Act, such physicians or surgeons shall, in each case, be paid from the Public Treasury a fee of two pounds each for their advice and certificate.

Remuneration to medical men whose services may be required in cases of pauper lunatics.

12. Lunatics, insane persons, or dangerous idiots, now in confinement in the lunatic asylum, or who may hereafter be placed therein, shall be safely kept, and shall not be suffered to quit and be at large, until the Board of Superintendence shall order their discharge, and shall signify the same in writing under their hands and seals, and if any officer, servant, or assistant in the asylum shall, through neglect or connivance, permit any such person to escape and be at large without such order as aforesaid, he shall, for every such offence, be liable to a fine not exceeding Two pounds.

Provision for safe custody of patients.

13. It shall be lawful for the Board of Superintendence, with the consent of the Medical Superintendent of the asylum, to discharge therefrom any lunatic confined therein (except any lunatic prisoner removed there by warrant from the Governor) whose perfect recovery may be

Provision for the discharge or removal of patients.

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18 April 1853.

Patients possessed
of property to have
their expenses
charged on their
estate.

Returns and reports
to be made by the
Medical Super-
intendent and by the
Board.

Powers of the Board
in regard to private
asylums.

Powers of the Board
to compel attendance
of, and to examine
parties.

Application of
Penalties.

certified by such Medical Superintendent, and it shall also be lawful for the Board, with the consent of the Medical Superintendent of the asylum, to permit the removal therefrom of any lunatic, insane person, or idiot, now or hereafter placed in confinement therein (except any lunatic prisoner removed there by warrant from the Governor) whose relations or friends may be willing to undertake the charge and care of such person, and shall satisfy the Board of their ability so to do.

14. If any person confined in the lunatic asylum shall be possessed of any estate or property, the Board of Superintendence shall fix what weekly or other rate shall be charged on his estate for his maintenance and care during his confinement, and shall certify the same to the Treasurer of the Island, who is hereby authorized to demand payment thereof from the person in charge of the estate and property of the lunatic, and which, if not paid within ten days after the time fixed for payment by the Board of Superintendence, the said Treasurer shall issue his warrant to a police-officer or constable for levying and raising the same by sale as in the case of servants' wages, of sufficient part of such estate and property.

15. The Medical Superintendent of the asylum shall make regular returns once in every month to the Board of Superintendence of the state and condition of all persons committed to his care, agreeably to the schedule hereto annexed, and marked with the letter A, and the Board shall once in every year make a report of their proceedings to the Governor, with a statement of the expenses incurred for repairs to the buildings, and for the care, maintenance, and clothing of the persons confined in the asylum, and all incidental and other expenses, and they shall also furnish a return of the number, names, and conditions of all persons under confinement, according to the schedule hereto annexed, marked with the letter B. Copies of which report and return shall be laid before the Council and Assembly.

16. If any insane persons to the number of two or more shall be confined in any private or parochial house, building, or asylum, it shall and may be lawful for the Board of Superintendence to visit at all times any such house, building, or asylum, and to ascertain, by the examination of witnesses on oath (and which oath the Board is hereby authorized to administer) if such insane persons are properly treated, and to give such orders and directions with respect to the treatment of such insane persons as to the Board shall seem meet. And if the person in charge of such house, building, or asylum, shall neglect or refuse to attend to such orders or directions, he shall, for every such offence, forfeit the sum of Two pounds.

17. It shall be lawful for the Board of Superintendence, by warrant under their hands and seals directed to a police officer or constable, to compel the attendance before them, of any person, and to examine him on oath (and which oath the Board is hereby authorized to administer) touching and concerning any of the matters and things in this Act contained, and for the better enabling them to carry out the provisions thereof.

18. The penalties and forfeitures under this Act shall be to her Majesty, her heirs and successors, and shall be recovered in a summary manner, together with costs, on the complaint of any person before a Police Magistrate or Justice of the Peace, as in the case of servants' wages, and paid into the Public Treasury for the uses of the Island.

No. 247.
20 April 1853.

No. 247.

20 April 1853.]—AN ACT to make provision in aid of the Public Library.

[Clause 1 repealed.]

Preamble.

WHEREAS it is expedient that legislative provision should be made in aid of the public library established in the city of Bridge-Town: Be it there-

fore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

No. 247.
20 April 1853.

2. The Trustees shall appoint, from time to time, a fit and proper person to be the librarian to take charge of the books, and such librarian shall obey the orders and directions of the Trustees in all matters and things relating to the library, and shall be paid a salary of One hundred and twenty pounds per annum.

The Trustees to appoint a librarian with a salary of 120*l*.

3. The Governor-in-Council shall, on the requisitions of the Trustees, issue warrants to the Treasurer of the Island for such sums of money as shall, from time to time, become due and payable under the provisions of this Act, not exceeding the sums respectively limited for the purposes aforesaid.

Moneys to be issued on warrant of Governor-in-Council.

4. This Act shall continue in operation for three years and no longer.

Operation of Act limited to three years.

No. 248.

No. 248.
16 June 1853.

16 June 1853.]—AN ACT to relieve King William Workman, on account of bodily injuries accidentally received by him in the Public Service of this Island.

WHEREAS King William Workman, of the parish of Saint Michael, hath preferred his humble petition to the General Assembly, praying for relief in consequence of very serious bodily injuries accidentally received by him whilst engaged, in the month of November last, in blasting stones for the new prison now in course of erection at District A, whereby he is entirely deprived of sight: And whereas it is deemed expedient to afford relief to the petitioner in the premises: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Preamble.

1. A sum of Five pounds is hereby granted from the Public Treasury, to defray surgical and other expenses incurred by the said King William Workman, by reason of the aforesaid accident, and the Governor-in-Council is respectfully requested to issue a warrant to the Treasurer of the Island, requiring him to pay the said sum of Five pounds to the said King William Workman.

5*l*. to be paid to Workman, for his medical expenses.

2. An annuity of Ten pounds is hereby granted from the Public Treasury to the said King William Workman for the term of his natural life, commencing from the first day of January in the present year, and to be paid quarterly.

10*l*. per annum to be paid to him for life,

3. The Governor-in-Council for the time being is hereby authorized to issue warrants from time to time to the Treasurer of the Island, for payment of the said annuity to said King William Workman, in quarterly sums as aforesaid.

on warrant of the Governor-in-Council.

No. 249.

No. 249.
29 July 1853.

29 July 1853.]—AN ACT for the prevention of Smuggling.

[Clause 5 repeals certain Acts.]

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Preamble.

1. If any vessel shall be found smuggling or attempting to smuggle any spirits, rum, or tobacco into any harbour, bay, creek, or landing-place of this Island, such spirits, rum, and tobacco, together with every such vessel, her boats, tackle, apparel, and furniture, shall be forfeited to her Majesty, her heirs and successors, and may be seized by any officer of the customs or navy, or by any police officer.

Vessels smuggling, to be with their cargoes forfeited.

2. Any person giving information to any officer of the customs, or other officer authorized to make seizures, which shall lead to the seizure and condemnation of such vessel, spirits, rum, or tobacco, shall (after

Informer to receive one-third of the proceeds, the seizing officer another third,

No. 247.
29 July 1853.

and the remainder
to be paid into the
Treasury.

Goods discharged
before entry of the
vessel, or at unautho-
rized places, may be
seized.

Penalty on obstruct-
ing such seizure.

Comptroller may
return the goods on
payment of a fine,
if no fraud was
intended.
Penalties, how
recoverable.

deducting the charges of prosecution) be entitled to one-third of such forfeiture, one-third shall go to the seizing officer, and the other third shall be paid into the Public Treasury for the uses of the Island; and if the seizure be made upon the knowledge of such seizing officer himself, then he shall be entitled to one-third of the net proceeds of such condemned vessel and goods, and the remaining two-thirds shall be paid into the Public Treasury for the uses of the Island.

3. If any goods shall be unladen from any vessel before due entry shall be made of such goods, and warrant granted for unloading the same, or shall be unladen except at some place at which an officer of the customs is appointed to attend the unloading of the same, or at some place for which a sufferance shall be granted by the Comptroller or other principal officer for the unloading thereof, such goods shall be forfeited, and may be seized and secured by any officer of the customs or navy, or by any police officer; and any person who shall in any way hinder, oppose, molest, or obstruct any officer of the customs or navy, or any police officer, in the exercise of the powers given to him by this Act, or in the exercise of his office in relation thereto, or any person acting in his aid or assistance, shall for every such offence forfeit not exceeding the sum of One hundred pounds, or less than Five pounds, to be recovered before a Police Magistrate of Bridge-Town, as in the case of servants' wages: Provided always that where the Comptroller or other principal officer of the customs, shall be satisfied that no fraud was intended, it shall be lawful for him to restore the goods on payment of a fine not exceeding Five pounds.

4. All forfeitures and penalties incurred under this Act (except as already provided for) shall be prosecuted, sued for, and recovered with costs in her Majesty's Court of Common Pleas for this Island, established in the name of some officer of the customs or navy, or of her Majesty's Attorney-General of this Island, or of the person acting as Attorney-General; and if a question shall arise whether any person is an officer of the Customs or Navy, *visd voce* evidence may be given of such fact, and shall be deemed as legal and sufficient evidence.

No. 250.
29 July 1853.

No. 250.

29 July 1853.]—AN ACT to fix and regulate the Salary and Allowances of the Treasurer of this Island.

Preamble.

WHEREAS the offices of Treasurer, Storekeeper, and Comptroller of the Excise of this Island have for a long period of time been held by one and the same person, and his services remunerated by commissions and fees, and also by small salaries assigned to those offices by an Act passed the Seventh of November, One thousand eight hundred and twenty. And whereas it is expedient that a fixed salary should be provided for the Treasurer, in lieu of such commissions and fees: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

The Treasurer to
receive a salary of
1500*l*.

1. Every person appointed Treasurer in manner aforesaid, shall receive a salary at and after the rate of one thousand five hundred pounds per annum for the duties of Treasurer aforesaid, and also for the duties incident to the office of Storekeeper aforesaid.

Security to be given.

2. Every person appointed Treasurer aforesaid, shall, before being qualified to act, enter into bond to her Majesty, her heirs and successors, before the Governor-in-Council, with two good and sufficient securities, to be approved by the Governor and Council, in the sum of eight thousand pounds, for the faithful performance of the duties of the office of Treasurer and Storekeeper, and faithfully accounting for all his transactions therein whenever thereunto legally required.

Salary to include all
the expenses of the
office.

3. The salary of every person duly appointed Treasurer shall commence from the day of his appointment, and such salary shall be taken as full remuneration for all services in respect of the said offices of Treasurer

and Storekeeper; for office rent, the hire of clerks, and the purchase of books and stationery, and for other incidental expenses. The said salaries shall be paid quarterly from the Public Treasury on warrants from the Governor in Council.

No. 250.
29 July 1853.

4. All fees and perquisites to which the Treasurer of the Island may be entitled shall be received as heretofore, and shall be to the public uses of this Island, and accounted for accordingly from the said sixth day of April in this present year.

Treasurer's fees, &c.,
to go to the public
use.

5. The office of Comptroller of the Excise is hereby abolished, and the allowance made by an Act of this Island of the Twenty-sixth of April, One thousand seven hundred and eight, for subordinate officers of the Excise, and the salaries granted to the Treasurer, Storekeeper, and Comptroller of the Excise, by the Act of the Fifth of July, One thousand eight hundred and thirty-four, and the second clause of the recited Act of the Seventeenth of November, One thousand eight hundred and twenty, are hereby repealed.

Comptrollership of
Excise abolished.

No. 251.

29 July 1853.]—AN ACT to consolidate and amend the Laws relating to the Courts of Common Pleas, Exchequer, and General Sessions of the Island.

No. 251.
29 July 1853.

[Clause 16 repeals certain Acts.]

BE it enacted by the Governor, Council, and Assembly of the Island Preamble.
of Barbados, and by the authority of the same, That—

1. There shall be, as at present, one Court of Common Pleas for the Island, called "the Court of Common Pleas for Barbados," and such Court shall have cognizance of all pleas and jurisdiction in all cases, as fully and amply in this Island of Barbados, as her Majesty's Courts of Common Pleas, Queen's Bench, and Exchequer lawfully have in England, and all jurisdiction now exercised and possessed by the Court of Exchequer in this Island, shall be from henceforth vested in and exercised by the said Court of Common Pleas for Barbados, and all acts required to be done by or before the Chief Baron or Court of Exchequer, by any Statute or Statutes of this Island, shall be done by or before the said Chief Judge or Court of Common Pleas, and the said Court of Exchequer is hereby and from henceforth abolished.

There is to be one
Court of Common
Pleas for the Island,
to include the juris-
diction of the Court
of Exchequer, which
is abolished.

2. The said Court of Common Pleas of Barbados shall consist of, and be holden by, and before the Chief Judge of the said Island, who shall, previously to his sitting in the said Court, appear before the Governor, and take the state oaths, and also the oath following:—

The Court is to be
holden by the Chief
Judge, who is to be
sworn.

"I, A. B. (naming himself), do sincerely swear that I will execute
"and discharge the duties, powers, and trusts, of my office of
"Chief Judge of the Court of Common Pleas of Barbados,
"according to the best of my knowledge, skill, and ability, and
"that I will not delay or deny justice to any person, nor by
"favour, collusion, or connivance, wilfully delay the holding of
"the said Courts, that I will receive no fee, reward, or emolu-
"ment from any suitor of the said Court, for anything to be by
"me done in my said office; but that I will avoid corruption,
"and duly and impartially administer justice to all parties, and
"in all cases which shall come before the said Court, without
"interest, partiality, prejudice, fear, favour, or affection, for
"any, according to the law of the said Island. So help me
"God."

But the present Chief Judge having taken the said oath, shall not be required to take it again.

3. The seal of the said Court of Common Pleas shall be kept in the custody of the said Chief Judge, and all process requiring such seal shall be issued as occasion shall require.

The seal of the Court
to be in the custody
of the Judge.

No. 251.
29 July 1853.

The Clerk and the Provost-Marshal to remain as at present, and the Clerk to perform the duties of Remembrancer of the Exchequer.

When the sittings of the Court are to be held.

Sittings in Chambers, &c.

Process to bear teste in the name of the Judge.

How actions are to be commenced and served.

Proceedings and practice, how to be regulated.

The Judge to establish a docket of fees.

4. The Prothonotary and Clerk, and the Provost-Marshal of the said Court, shall have, exercise, and enjoy the same powers, authorities, immunities, privileges, and emoluments, as they are respectively invested with at present, and in addition thereto, all such acts, matters, or things, as are required by any statute or statutes of this Island, to be done by the Remembrancer of the Court of Exchequer, shall be done by or before the said Prothonotary, or Clerk of the Court of Common Pleas, who shall be entitled to the same fees and emoluments in respect thereof, as the Remembrancer of the Court of Exchequer.

5. The said Court of Common Pleas shall hold its sittings at the Town Hall in Bridge-Town, and such sittings shall be on the first Monday in each of the months of January, March, May, July, and on the last Monday in the month of November, in every year, and shall continue until two of the clock of the afternoon of the Saturday following, should there be business to occupy the Court for that time; but in case there shall not be business sufficient to occupy the said Court, then the said Court shall, at the conclusion of the business before it, stand adjourned until the next Court day in course. Provided, nevertheless, that the Judge of the said Court shall be, and he is hereby empowered, when he shall see occasion so to do, to hold a Court for the despatch of business on any intermediate day or days between any of the times hereinbefore appointed, and to continue the sittings of the said Court so to be held for the despatch of such business, for the space of four days. Provided always, that with respect to any matter or suits wherein the Crown is interested, or where it may be necessary to hold any Court for the recovery of any fines or forfeitures under any of the laws relating to navigation, trade, or revenue, it shall be lawful for the Chief Judge to hold the said Court at the instance of the Queen's Attorney-General, and in his absence the Queen's Solicitor-General, or other of her Majesty's Council-at-Law, at such time and times, and for such period as may be necessary for the due despatch of all such business in which the Crown may be interested as aforesaid.

6. For the despatch of such business as may be transacted without the intervention of a jury, the Judge of the said Court shall be authorized to hold the same on such days, either at his chambers, or at the place where the Court shall be usually held, as shall be appointed by himself, of which notice is to be set up by the Prothonotary of the Court at his office, not less than twenty-four hours before the holding of any such Court.

7. All process issuing out of the said Court shall bear teste in the name of the Chief Judge of the said Court for the time being, which shall be affixed thereto by the said Prothonotary or Clerk of the said Court.

8. All actions in the Court of Common Pleas shall, as at present, be commenced by the plaintiff filing a declaration in the said Court, to a true copy of which, attested by the Clerk of the said Court, there shall be annexed a warrant or summons under the hand of the Chief Judge and seal of the Court, commanding the appearance of the defendant, which shall be personally served on the defendant, or left at his house or usual abode, or place of business, by the Provost-Marshal or his deputy, who shall make a return of such service, by endorsing on the declaration filed in the said Court when and how such service has been made, provided that when there shall be more than one defendant, then a copy with a summons shall be served on each defendant.

9. The proceedings and practice of the said Court of Common Pleas shall be regulated by the rules now in force, made by the said Chief Judge under the Act which passed the Eleventh day of June, One thousand eight hundred and forty-two, in the present practice of the said Court; and it shall be lawful for the Chief Judge to make such alterations in the practice of the said Court from time to time as shall appear to him to conduce to the more effectual administration of justice.

10. The Chief Judge shall be, and he is hereby authorized to establish a docket of fees to be taken and allowed in all causes and pro-

ceedings in the said Court, by the attorneys and officers of the said Court, and to give costs in all cases to the party succeeding, save when by any Act of the Island costs may be specially provided for or limited.

11. Fourteen days after judgment, execution shall issue under the hand of the Chief Judge and seal of the Court, on application to the Prothonotary by the party entitled to such judgment, or of his attorney, for the recovery of such debt, damages, or costs to which such party, whether plaintiff or defendant, may be entitled, directed to the Provost-Marshal, to attach the moneys, bank notes, goods, chattels, and effects of the party against whom such execution shall issue, and if no moneys, bank notes, goods, chattels, or effects can be found sufficient to satisfy such execution, then to attach the lands, plantations, and houses of such party, and lastly, if none such, to arrest the body of such party, and to keep the same in safe custody until such debt, damages, or costs be satisfied, or otherwise such party be discharged by due course of law; and when any lands or houses shall be attached, the Chief Judge shall, under his hand and seal of the Court, direct a warrant of appraisement to seven substantial freeholders, to be nominated by the Provost-Marshal of the parish where the attached land lies, in case the lands attached be twenty acres or more, but if under twenty acres, to five of the like persons, thereby empowering and requiring the said seven or any five of them, or the said five or any three of them, to repair to the land attached, and of the same to make a just and conscionable appraisement upon oath, and the same to set down in writing under their hands and seals, according to the best of their judgments and understandings. And for the better method of proceeding therein, the said Chief Judge shall at the same time, together with the said warrant of appraisement, make his precept to the Marshal or deputy to summon the said persons nominated, and to attend them to the said land attached; and then and there to administer to them severally the following oath, viz. :—

Execution, how and when to issue; and how to be satisfied.

“ You shall swear, you will give a true, just, and conscionable
“ appraisement of the lands, houses, &c., now shown unto you,
“ according to your best judgment and understanding, and
“ neither for favour or affection, hatred or malice, vary from the
“ true value which in your judgment you think the same to be
“ really worth. So help you God.”

And the said Provost-Marshal shall then proceed to sell the said lands or houses according to the Acts or Statutes of this Island in such case made and provided.

12. Nothing in this Act contained shall in anywise affect or be construed to affect any judgment or execution now in force in the present or any of the late Courts of Common Pleas or Court of Exchequer in this Island, but that every such judgment and execution which hath issued or shall hereafter issue thereon, shall have the like effect to all intents and purposes as if this Act had not been passed; and the Judge of the Court of Common Pleas shall have every power and authority in respect of any such judgment and execution, and all proceedings which may take place under or in respect thereof, as fully to all intents and purposes as the Judge and Court of Common Pleas or Chief Baron or Court of Exchequer could have had in case this Act had not been passed.

This Act not to affect any judgment or execution in the former Courts of Common Pleas and Exchequer.

13. In case the Chief Judge shall be a party, plaintiff, or defendant, or shall be beneficially interested in any case or suit in any of the Courts of this Island, it shall be lawful for the Governor or Commander-in-Chief for the time being, under his hand and seal, to appoint some fit and proper person, being a barrister-at-law, to officiate as Judge in the said Court, in reference to every such case or suit, and the person so appointed shall have full power and authority to issue all summonses, writs, and process, in relation to the suit, and shall proceed as to the trial and in the hearing and determining of the same, in the same manner as the said Chief Judge might, or could, or ought to do, in any other suit of the like kind depending in any of the said Courts.

In case the Judge shall be a party interested in any suit, the Governor may appoint a Judge pro hac vice.

No. 251.
29 July 1853.

When the Courts of
Grand Sessions are to
be held.
See Act of
18 February 1873.

Provision for a special
commission.

This Act not to
interfere with an
Act relating to the
administration of
justice.

14. The Courts of Grand Sessions of Oyer and Terminer and General Gaol Delivery, and General Sessions of the Peace shall, as at present constituted, consist of and be holden by, and before the said Chief Judge, three times at least in the year, that is, upon the second Monday in the month of December, the first Monday in the month of April, and the first Monday in the month of August successively in each year; and at each period of its being so held, the said Court of Grand Sessions of Oyer and Terminer, and General Gaol Delivery, and General Sessions of the Peace, shall continue its sittings by adjournment from day to day, except Sunday, until the business thereof be disposed of, but not beyond the hour of two o'clock on the Wednesday week following the day of the commencement of such sessions. And the proceedings at the said Court shall be had as heretofore, according to the laws and statutes of England, and according to the statutes of this Island. Provided always, that it shall be lawful for the Governor and Commander-in-Chief of the Island for the time being, by and with the advice of the Council, at any time or times he may think proper to issue a Commission of Oyer and Terminer, and General Gaol Delivery, under the great seal of this Island, for the trial of any person or persons accused of heinous crimes and misdemeanors committed or done in this Island, and the same proceedings shall take place in respect to the summoning of jurors, and all other matters as at the said Courts of Grand Sessions.

15. Provided, nevertheless, that this Act shall not in anywise obstruct or interfere with, or be deemed or construed to affect the provisions of a certain Act of the Imperial Parliament, entitled, "An Act to make provision for the better Administration of Justice in certain of her Majesty's West India Colonies," or of a certain Act of this Island, bearing date the Twenty-fifth day of January, One thousand eight hundred and thirty-seven, entitled, "An Act to make provision for the better Administration of Justice in this Island."

No. 252.
24 August 1853.

No. 252.

24 August 1853.]—AN ACT to consolidate and amend the Acts relating to the Assistant Court of Appeal.

Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The Assistant Court of Appeal shall, as at present, be constituted of three Judges.

2. The said Assistant Court of Appeal shall have and exercise an appellant jurisdiction in all cases and over all questions which by any law of this Island now are, or shall, or may hereafter become subject to the decision of any Police Magistrate or Justice of the Peace, any law or usage to the contrary thereof in anywise notwithstanding.

3. It shall and may be lawful for any person who shall think himself aggrieved by any decision of any Police Magistrate or Justice of the Peace, to appeal therefrom to the said Assistant Court of Appeal; and any person who shall desire to appeal to the said Court from any such decision, shall make known such his intention to the Police Magistrate or Justice of the Peace by whose decision he deems himself aggrieved, within three days after the pronouncing of the same, and shall also give to the other party, within the same time, notice of such appeal; and upon any appeal being made as aforesaid, the Police Magistrate or Justice of the Peace from whose decision it is made, shall, under a penalty of Five Pounds, to be recovered as in the case of servants' wages, and paid into the Public Treasury for the uses of the Island, within six days after receiving such notice, unless the appellant shall declare to the said Police Magistrate or Justice of the Peace his intention to abandon the said appeal, send in to the clerk of the said Assistant Court of Appeal a correct

The Assistant Court
of Appeal to consist
as at present of three
Judges.

See Act passed,
Jurisdiction of the
Court.
See Act of 7 March
1860.

Mode of proceeding
on appeal.

copy of the proceedings in the cases appealed from, certified under his hand and seal, for the information of the Assistant Court of Appeal; and upon the proceedings in any such appeal being lodged as aforesaid, the clerk of the said Court shall, within two days, issue to a police officer a summons under the hand and seal of any one of the Judges of the said Court to be served on the parties, appellant and respondent, to appear before said Assistant Court of Appeal on a day to be named therein, to attend the hearing of such appeal and abide the judgment of the said Court thereupon; and the said police officer shall serve the same either personally or by leaving a copy thereof at the usual place of abode of the party, and make a return of such service to the clerk of the Court of Appeal. And the said Assistant Court of Appeal shall hear and determine the matter of all such appeals with all possible despatch.

4. The Assistant Court of Appeal shall have power and authority to examine on oath, when they shall deem it expedient to the ends of justice, both parties to any such appeal, and to re-examine any witness or witnesses who had given testimony on the original hearing of the complaint, and shall make such order therein, with or without costs, as to them shall seem meet. And the said Court shall have the same power and authority for carrying into effect all orders and sentences made and pronounced by them on the hearing of such appeals as the Police Magistrate or Justice of the Peace from whose decision the appeal has been made, would have had in case such decision had not been appealed from; and the said Court shall and may also in any case where they shall deem it conducive to the ends of justice, either on the part of the appellant or respondent, to examine any other witness or witnesses other than such as may have been examined before the Police Magistrate or Justice of the Peace from whose decision any appeal shall be made to such Assistant Court of Appeal, and likewise to call for any other legal evidence which to such Court of Appeal shall appear to be necessary for attaining the ends of justice.

Power of the Court
with regard to
receiving evidence.

5. Whenever any such appeal is made from the decision of any Police Magistrate or Justice of the Peace to the said Assistant Court of Appeal, such appeal shall have the effect of suspending the carrying into effect the decision appealed from, except in such cases as are hereinafter provided for, till the same is disposed of by the Assistant Court of Appeal.

Original sentence to
be suspended on
appeal.

6. When any person shall be convicted summarily before any Police Magistrate or Justice of the Peace of stealing or having stolen goods in his possession, and shall be sentenced to imprisonment, such Police Magistrate or Justice of the Peace, before proceeding to carry the sentence into execution, shall inform such person of his right to appeal against his sentence; and if the said person shall declare his intention to appeal, such Police Magistrate or Justice of the Peace shall cause such person to be detained in custody, and shall, under a penalty of Ten Pounds, to be recovered as in the case of servants' wages and paid into the Public Treasury for the uses of the Island, forthwith transmit to the clerk of the Assistant Court of Appeal the proceedings, or a copy thereof, taken in the case; and said Assistant Court of Appeal shall have power and authority, and is hereby directed and required to bring up before them without delay by warrant under the hand and seal of any one of the Judges of the said Court, directed to the gaoler or keeper of the prison or the person in whose custody the appellant shall be, the said person so appealing from the decision of the said Police Magistrate or Justice of the Peace, and to hear and determine the matter of all such appeals with all possible despatch, and the said Assistant Court of Appeal shall have for that purpose all the powers and authorities that they exercise or have under and by virtue of any of the provisions of this Act, anything in the said Act to the contrary notwithstanding. Provided always, that in every such case as aforesaid it shall be the duty of the Police Magistrate or Justice of the Peace, and he is hereby directed to give or cause to be

In cases of conviction
for theft, &c., the
prisoner to remain in
custody—but the
appeal to be heard
forthwith.

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If in such cases the appeal is carried to the Court of Error, the prisoner to be remanded to prison.

Power to the Court to review all the decisions of the Police Magistrates.

Where the Court is to sit.

A clerk to be appointed at a salary of £50.

The Governor and Chief Judge to form the Court of Error.

Fees to be taken.

This Act not to interfere with certain other Acts relating to the administration of justice.

Acts repealed.

given to the other party, being respondent in the case, timely notice of such appeal; but his omitting to do so shall not be a bar to the hearing and determining of such appeal, anything hereinbefore contained to the contrary notwithstanding.

7. If the sentence of the said Police Magistrate or Justice of the Peace shall in any such case of appeal as last aforesaid be confirmed by the said Assistant Court of Appeal, and the appellant shall enter an appeal therefrom to the Court of Error, the said appellant shall, by the order of the said Assistant Court of Appeal, be remanded to prison to abide the judgment of the said Court of Error.

8. The several Police Magistrates shall, on the first and fifteenth days of every month, make a return to the clerk of the said Assistant Court of Appeal of all the cases heard and decided by them during the past fortnight according to the form now in use, and it shall be the duty of the said Assistant Court of Appeal to inspect and examine the said returns, and they shall have authority to call for the proceedings in any case in which they shall detect any error of judgment or mistake in law, and shall, on giving notice to the parties interested, have power to correct and revise the same and shall duly report thereon to the Governor: Provided always, that in every case in which any decision shall have been altered by the said Assistant Court of Appeal it shall be lawful for the party aggrieved to appeal to the Court of Error, as if an appeal had been regularly entered into under this Act.

9. The said Assistant Court of Appeal shall hold its ordinary sittings at the Town-hall in Bridge-Town, but it shall be lawful for the Judges of the said Court, either at stated periods, or whenever the business before them shall require it, to hold the said Court at any one of the district station-houses in this Island.

10. It shall be lawful for the Governor to appoint a clerk to the said Assistant Court of Appeal, who shall regularly attend its sittings and shall keep a faithful record of the proceedings thereof, a copy of which he shall furnish to the Governor at the expiration of every three months, and the said clerk shall receive a salary at the rate of one hundred and fifty pounds per annum, to be paid him from the Treasury of the Island on the warrant of the Governor, in four equal quarterly payments.

11. The Chief Judge shall, for the purposes of this Act, compose the Court of Error, and be invested with the like jurisdiction, authority, and powers as the Governor and Council were accustomed to exercise as such Court of Error, and it shall not be lawful to bring any appeal which may be entertained by the Assistant Court of Appeal before the said Court of Error except from the Assistant Court of Appeal.

12. The fees in the schedule hereunto annexed shall be the fees to be taken by the Assistant Court of Appeal, and shall be received by the clerk, and by him paid over to the Treasurer of the Island quarterly; and such fees may, in all cases where due, be levied and raised by warrant under the hand and seal of a Judge of the Court, as in the case of servants' wages. And a table of such fees shall be hung up in some conspicuous part of the room in which such Court shall be held.

13. This Act shall not interfere with or be deemed or construed to affect the provisions of a certain Act of the Imperial Parliament, entitled "An Act to make provision for the better Administration of Justice in certain of her Majesty's West India Colonies," or of a certain Act of this Island, bearing date the Twenty-fifth day of January, One thousand eight hundred and thirty-seven, entitled "An Act to make provision for the better Administration of Justice in this Island."

14. The following Acts relating to the Assistant Court of Appeal shall be, and the same are hereby repealed:—An Act passed the Nineteenth day of July, One thousand eight hundred and thirty-eight; an Act passed the Ninth day of October, One thousand eight hundred and thirty-eight; an Act passed the Twelfth day of February, One

thousand eight hundred and thirty-nine; an Act passed the Twenty-fourth day of September, One thousand eight hundred and forty; an Act passed the Seventh day of January, One thousand eight hundred and forty-two; and an Act passed the Sixth day of September, One thousand eight hundred and forty-nine.

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SCHEDULE OF FEES.

	s.	d.
Lodging Appeal with Clerk of Court	3	0
Summoning Appellant and Respondent, each	0	8
Examination of ditto, each	0	8
Summoning each Witness	0	8
Examination of each Witness	0	8
Commitment of a person for Contempt	4	0
Liberature of such person	4	0
Special Writ for appearance of witness, or otherwise	8	0
Execution	3	0

No. 253.

No. 253.
27 August 1853.

27 August 1853.]—AN ACT for the limitation of Actions and Suits relating to Real Estate, and the charges thereon, and for facilitating the transfer of property.

[Clauses 38 and 56 repealed.]

WHEREAS the Acts of this Island relating to the limitation of actions for the recovery of real estate, and the substitution of deeds for fines and recoveries, are of very ancient date, and made soon after the settlement of the Island; and it is expedient to enlarge the time for the bringing of such actions (without, however, disturbing any right or title now existing under any such Act), and to make further provisions for the transfer of property: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: that is to say, the word "Land" shall extend to messuages and all other corporeal hereditaments whatsoever; and also to any share, estate, or interest in them or any of them, whether the same shall be a freehold or a chattel interest; and the word "Rent" shall extend to all services and suits for which a distress may be made, and to all annuities and periodical sums of money charged upon or payable out of any land; and the person through whom another person is said to claim shall mean any person by, through, or under, or by the act of whom the person so claiming became entitled to the estate or interest claimed, as heir, issue in tail, tenant by courtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee, or otherwise; and the word "Person" shall extend to a body politic, corporate, or collegiate, and to a class of creditors or other persons as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

2. From and after the passing of this Act no person shall make an entry or distress or bring an action to recover any land or rent but within ten years next after the time at which the right to make such entry or distress or to bring such action shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within ten years next after the time at which the right to make such entry or distress or

Preamble.
See Acts of 8 July 1856 and 4 April 1860.

Meaning of words in the Act.

No land or rent to be recovered but within 10 years after the right of action accrued to the claimant or some person whose estate he claims.

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Where the right shall be deemed to have accrued.

to bring such action shall have first accrued to the person making or bringing the same.

3. In the construction of this Act the right to make an entry or distress, or bring an action to recover any land or rent, shall be deemed to have first accrued at such time as hereinafter mentioned; that is to say, when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall, while entitled thereto, have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession or at the last time at which any such profits or rent were or was so received; and when any person claiming such land or rent shall claim the estate or interest of some deceased person, who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such land or rent shall claim in respect of an estate or interest in possession granted, appointed, or otherwise assured by any instrument (other than a will) to him or some person through whom he claims by a person being, in respect of the same estate or interest, in possession or receipt of the profits of the land, or in the receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land, or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession; and when the person claiming such land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred or such condition was broken.

Where advantage of forfeiture is not taken by remainder-man, he shall have a new right when his estate comes into possession.

4. Provided always, when any right to make an entry or distress, or to bring an action to recover any land or rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall not have been recovered by virtue of such right, the right to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

Reversioner to have a new right.

5. Provided also, that a right to make an entry or distress, or bring an action to recover any land or rent, shall be deemed to have first accrued in respect of an estate or interest in reversion at the time at which the same shall have become an estate or interest in possession by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof, or such rent shall have been held, or the profits thereof, or such rent shall have been received, notwithstanding the person claiming the land, or some person through whom he claims, shall, at any time previously to the creation of the estate or estates, have been in possession or receipt of the profits of such land, or in receipt of such rent.

An administrator to claim as if he

6. For the purposes of this Act, an administrator claiming the estate or interest of the deceased person of whose chattels he shall be appointed

administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

7. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued either at the determination of such tenancy, or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined. Provided always, that no mortgagor or cestui que trust shall be deemed to be a tenant at will within the meaning of this clause to his mortgagee or trustee.

8. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or to bring an action to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received, which shall last happen.

9. When any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent by virtue of a lease in writing, by which a rent amounting to the yearly sum of twenty shillings or upwards, shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims, to make an entry or distress, or to bring an action after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid, and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

10. No person shall be deemed to have been in possession of any land within the meaning of this Act merely by reason of having made an entry thereon.

11. No continual or other claim upon or near any land shall preserve any right of making an entry or distress, or of bringing an action.

12. When any one or more of several persons entitled to any land or rent as coparceners, joint tenants, or tenants in common shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such land, or of the profits thereof, or of such rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last-mentioned person or persons, or any of them.

13. When a younger brother or other relation of the person entitled as heir to the possession or receipt of the profits of any land, or to the receipt of any rent, shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

14. Provided always, that when any acknowledgment of the title of the person entitled to any land or rent shall have been given to him or his agent, "signed by the person in possession or in receipt of the profits of such land, or in receipt of such rent," then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom, or whose agent, such acknowledgment shall have been given at the time of giving the same,

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obtained an estate without interval after death of deceased. In the case of a tenant at will, the right shall be deemed to have accrued at the end of one year.

No person after a tenancy from year to year to have any right but from the end of the first year or last payment of rent.

Where rent amounting to 20s. reserved by a lease in writing shall have been wrongfully received, no right to accrue on the determination of the lease.

A mere entry not to be deemed possession.

No right to be preserved by continual claim.

Possession of one coparcener, &c., not to be the possession of the others.

Possession of a younger brother not to be the possession of the heir.

Acknowledgment to person entitled or his agent to be equivalent to possession or receipt of rent.

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Persons under disability of infancy, lunacy, coverture, and their representatives to be allowed five years from the termination of their disability or death.

But no action, &c., shall be brought beyond 20 years after the right of action accrued.

No further time to be allowed for a succession of disabilities.

When the right to an estate in possession is barred, the right of the same person to future estates shall also be barred.

Where tenant in tail is barred, remaindermen whom he might have barred shall not recover.

Possession adverse to a tenant in tail shall

and the right of such last-mentioned person, or any person claiming through him, to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued at, and not before, the time at which such acknowledgment or the last of such acknowledgments, if more than one was given.

15. Provided always, that if at the time at which the right of any person to make an entry or distress, or bring an action to recover any land or rent, shall have first accrued as aforesaid, such person shall have been under any of the disabilities hereinafter mentioned, that is to say, infancy, coverture, idiocy, lunacy, or unsoundness of mind, then such person, or the person claiming through him, may, notwithstanding the period of ten years hereinbefore limited shall have expired, make an entry or distress, or bring an action to recover such land or rent, at any time within five years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability, or shall have died, which shall have first happened.

16. Provided, nevertheless, that no entry, or distress, or action shall be made or brought by any person who, at the time at which his right to make an entry or distress, or bring an action to recover any land or rent, shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within twenty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such twenty years, or although the term of five years from the time at which he shall have ceased to be under any such disability, or have died, shall not have expired.

17. Provided always, that when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress, or bring an action to recover any land or rent, shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress, or bring an action to recover such land or rent, beyond the said period of ten years next after the right of such person to make an entry or distress, or to bring an action to recover such land or rent, shall have first accrued, or the said period of five years next after the time at which such person shall have died, shall be allowed by reason of any disabilities of any other person.

18. When the right of any person to make an entry or distress, or bring an action to recover any land or rent to which he may have been entitled for any estate or interest in possession, shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right, or possibility, in reversion, remainder, or otherwise, in or to the same land or rent, no entry, distress, or action shall be made or brought by such person, or any person claiming through him, to recover such land or rent in respect of such other estate, interest, right or possibility, unless in the meantime such land or rent shall have been recovered by some person entitled to an estate, interest, or right, which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

19. When the right of a tenant in tail of any land or rent to make an entry or distress, or to bring an action to recover the same, shall have been barred by reason of the same not having been made or brought within the period hereinbefore limited, which shall be applicable in such case, no such entry, distress, or action shall be made or brought by any person claiming any estate, interest, or right which such tenant in tail might lawfully have barred.

20. When a tenant in tail of any land or rent entitled to recover the same shall have died before the expiration of the period hereinbefore

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limited, which shall be applicable in such case, for making an entry or distress, or bringing an action to recover such land or rent, no person claiming any estate, interest, or right which such tenant in tail might lawfully have barred, shall make an entry or distress, or bring an action to recover such land or rent, but within the period during which, if such tenant in tail had so long continued to live, he might have made such entry or distress, or brought such action.

run on against the remainder-men whom he might have barr ed

21. When a tenant in tail of any land or rent shall have made an assurance thereof, which shall not operate to bar an estate or estates, to take effect after or in defeasance of his estate tail, and any person shall, by virtue of such assurance at the time of the execution thereof, or at any time afterwards, be in the possession or receipt of the profits of such land, or in the receipt of such rent, and the same person, or any other person whatsoever (other than some person entitled to such possession or receipt in respect of an estate tail), shall continue or be in such possession or receipt for the period of ten years next after the commencement of the time at which such assurance, if it had then been executed by such tenant in tail, or the person who would have been entitled to his estate tail if such assurance had not been made, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then, at the expiration of such period of ten years, such assurance shall be and shall be deemed to have been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate in tail.

Where there shall have been possession under, and assurance by a tenant in tail which shall not bar the remainders, they shall be barred at the end of ten years after the time when the assurance if then executed would have barred them.

22. No person claiming any land or rent in equity shall bring any suit to recover the same but within the period during which, by virtue of the provisions hereinbefore contained, he might have made an entry or distress, or brought an action to recover the same respectively, if he had been entitled at law to such estate, interest, or right in or to the same as he shall claim the same in equity.

No suit in equity to be brought after the time when the plaintiff, if entitled at law, might have brought an action.

23. Provided always, that when any land or rent shall be vested in a trustee upon any express trust, the right of the *cestui que trust*, or any person claiming through him, to bring a suit against the trustee, or any person claiming through him, to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser, or any person claiming through him.

In case of express trust the right shall not be deemed to have accrued until a conveyance to a purchaser.

24. In case of a concealed fraud, the right of any person to bring a suit in equity for the recovery of any land or rent of which he, or any person through whom he claims, may have been deprived by such fraud, shall be deemed to have first accrued at, and not before, the time at which such fraud shall, or with reasonable diligence might, have been first known or discovered, provided that nothing in this clause contained shall enable any owner of lands or rents to have a suit in equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents, on account of fraud, against any *bona fide* purchaser for valuable consideration who has not assisted in the commission of such fraud, and who, at the time he made the purchase did not know, or had no reason to believe, that any such fraud had been committed.

In case of fraud, no time shall run whilst the fraud remains concealed.

25. Provided always, that nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of Courts of Equity in refusing relief on the grounds of acquiescence, or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Act.

Saving the jurisdiction of equity on the ground of acquiescence or otherwise.

26. When a mortgagee shall have obtained the possession or receipt of the profits of any land, or the receipt of any rent, comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage but within ten years next after the time at which the mortgagee obtained such possession or receipt, unless

Mortgagor to be barred at the end of 20 years from the time when the mortgagee took possession or from

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the last written
acknowledgment.

in the meantime an acknowledgement of the title of the mortgagor, or of his right of redemption, shall have been given to the mortgagor, or some person claiming his estate, in writing signed by the mortgagee, or some person claiming through him; and in such case no such suit shall be brought but within ten years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one was given; and when there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee, or more than one person, claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment signed by one or more of such mortgagees or persons shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage-money, or land, or rent, by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money, or land, or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage-money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage-money which shall bear the same proportion to the whole of the mortgage-money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

At the end of the period of limitation, the right of the party out of possession to be extinguished.

Receipt of rent to be deemed receipt of profits.

No descent, warranty, &c., to bar a right of entry.
Money charged on land, and legacies to be deemed satisfied at the end of 20 years, if there shall be no interest paid or acknowledgment in writing in the mean time.

Nothing in this Act shall give to any person any right of entry, &c., for the recovery of any land, rent, or money, who shall be barred by the law now in force.

27. At the determination of the period limited by this Act to any person for making an entry or distress, or bringing an action or suit, the right and title of such person to the land or rent for the recovery whereof such entry, distress, action, or suit respectively might have been made or brought within such period, shall be extinguished.

28. The receipt of the rent payable by any tenant from year to year, or other lessee, shall, as against such lessee, or any person claiming under him (but subject to the lease), be deemed to be in receipt of the profits of the land for the purposes of this Act.

29. No descent, cast, discontinuance, or warranty shall toll or defeat any right of entry or action for the recovery of land.

30. No action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person entitled to the same, unless in the meantime some part of the principal money or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one was given.

31. Provided that nothing in this Act shall be construed to give to any person any right of entry, distress, action, or suit for the recovery of any land or rent, or any money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, who shall be barred by the laws of this Island now in force from making any such entry or distress, or bringing any action or suit for the recovery thereof.

Whereas by the second clause of an Act which passed the Sixth day of June, One thousand seven hundred and thirty-two, it is provided that if the purchaser or purchasers of any estate in lands, tenements, or hereditaments, having a right to or interest in any judgment or decree affecting the same estate. shall be minded to keep it on foot, or hath already done so for longer than twenty years, with intent only to protect his or their own title to such purchase, he or they and their legal representative shall at all times be at liberty to make use of the same to all legal and equitable purposes for the support, defence, or maintenance of his right and title to such estate: And whereas in cases where land has been much incumbered it has sometimes been deemed advisable that a purchaser should take an assignment of the prior debts paid off with the purchase-money to a trustee, to protect his title against junior debts of the vendor: And whereas it appears that such object may be better attained by permitting the purchaser to be, as it were, his own trustee, and declaring that such securities shall not merge in the inheritance, although vested in the same person, but, for the purpose of protecting the land against the junior incumbrances of the vendor, shall be considered as still subsisting.

32. When any person shall purchase land subject to a judgment, mortgage, or other lien, and on the face of the conveyance to him such judgment, mortgage, or lien shall appear to be paid off out of the purchase-money, or the land shall be conveyed subject to the payment of such judgment, mortgage, or other lien, and the purchaser allowed to retain in his hands a portion of the purchase-money for payment thereof, it shall and may be lawful for such purchaser, his heirs or assigns, to take an assignment of such judgment, mortgage, or other lien, as and when the same shall be paid off; and such security and the moneys due thereunder shall by virtue of this Act vest in such purchaser, his heirs and assigns, and not in his executors or administrators, to the end that the possessor of the inheritance may himself be enabled to make use of the same as a protection to his title, and such security shall to the extent of the moneys paid off by him and interest, but not further, be a protection against any such junior incumbrance, and shall not merge in the inheritance: Provided always, that such security shall not be used to protect such lands from the payment of the debts of such purchasers, his heirs or assigns, nor from the debt forming a part of the purchase money of such land, and which such purchaser shall have agreed to pay, but only against such debts of the vendor or other former owner of such land as shall not be included in such purchase-money: and for the better protection of purchasers, all satisfied terms and legal estates outstanding in such land, the purposes for which the same were created having been answered, shall cease—be merged in the inheritance, and considered as reconveyed to the possessor or person entitled to the inheritance of such land.

Purchasers of land incumbered, where the purchase-money shall be applied in payment of the incumbrances, may take an assignment to themselves of such incumbrances to protect title, and they shall not merge.

33. Every actual tenant in tail, whether in possession, remainder, contingency or otherwise, shall have full power to dispose of, for an estate in fee simple absolute, or for any less estate, the land entailed, as against all persons claiming the lands entailed by force of any estate tail which shall be vested in or might be claimed by, or which but for some previous Act would have been vested in or might have been claimed by, the person making the disposition, at the time of his making the same, and also as against all persons, including the Queen's most excellent Majesty, her heirs and successors, whose estates are to take effect after the determination or in defeasance of any such estate tail: saving always the rights of all persons in respect of estates prior to the estate tail in respect of which such disposition shall be made, and the rights of all other persons except those against whom such disposition is by this Act authorized to be made.

Power to dispose of lands entailed in fee simple, saving the rights of certain persons.

34. Provided always, that the power of disposition hereinbefore contained shall not extend to tenants of estates tail who, by an Act passed in the thirty-fourth and thirty-fifth years of the reign of his Majesty

The power of disposition not to extend to certain tenants in tail.

No. 253.
27 August 1853.

Issue inheritable not
to bar expectancies.

Extent of the estate
created by a tenant in
tail by way of mort-
gage or for any other
limited purposes.

Tenant in tail to make
a disposition by deed
as if seized in fee,
but not by will or
contract, and, if a
married woman, with
her husband's
concurrence.

Courts of Equity
excluded from giving
any effect to disposi-
tions by tenants in
tail.

The previous clauses
with certain varia-
tions to apply to
lands of any tenure
to be sold where the
purchase-money is
subject to be invested
in the purchase of
lands to be entailed,
and where money is
subject to be invested
in the like manner.

King Henry the Eighth, entitled "An Act to unbar feigned recovery of "lands wherein the king is in reversion," or by any other Act, are restrained from barring their estates tail, or to tenants in tail, after possibility of issue extinct.

35. Provided always, that nothing in this Act contained shall enable any person to dispose of any lands entailed in respect of any expectant interest which he may have as issue inheritable to any estate tail therein.

36. If a tenant in tail of lands shall make a disposition of the same, under this Act, by way of mortgage, or for any other limited purpose, then and in such case such disposition shall, to the extent of the estate thereby created, be an absolute bar in equity as well as at law to all persons as against whom such disposition is by this Act authorized to be made, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected: Provided always, that if the estate created by such disposition shall be only an estate pour autre vie, or for years absolute or determinable, or if by a disposition under this Act by a tenant in tail of lands, an interest, charge, lien, or incumbrance shall be created without a term of years absolute or determinable or any greater estate, for securing or raising the same, then such disposition shall in equity be a bar only so far as may be necessary to give full effect to the mortgage, or to such other limited purpose, or to such interest, lien, charge or incumbrance, notwithstanding any intention to the contrary may be expressed or implied in the deed by which the disposition may be effected.

37. Every disposition of lands under this Act by a tenant in tail thereof shall be effected by some one of the assurances (not being a will) by which such tenant in tail could have made the disposition if his estate were an estate at law in fee simple absolute: Provided, nevertheless, that no disposition by a tenant in tail shall be of any force either at law or in equity, under this Act, unless made or evidenced by deed, and that no disposition by a tenant in tail resting only in contract, either expressed or implied, or otherwise, and whether supported by valuable or meritorious consideration or not, shall be of any force at law or in equity under this Act, notwithstanding such disposition shall be made or evidenced by deed: and if the tenant in tail making the disposition shall be a married woman the concurrence of her husband shall be necessary to give effect to the same, and any deed which may be executed by her for effecting the disposition shall be acknowledged by her as herein-after directed.

39. In cases of dispositions of lands under this Act by tenants in tail thereof the jurisdiction of Courts of Equity shall be altogether excluded, either on the behalf of a person claiming for a valuable or meritorious consideration, or not, in regard to the specific performance of contracts and the supplying of defects in the execution either of the power of disposition given by this Act to tenants in tail, and in regard to giving effect in any other manner to any act or deed by a tenant in tail, which in a Court of law would not be an effectual disposition of or covenant under this Act, and that no disposition of lands under this Act by a tenant in tail thereof in equity shall be of any force, unless such disposition or consent would in the case of an estate tail at law be an effectual disposition under this Act in a Court of law.

40. The lands to be sold, whether freehold or leasehold, or of any other tenure where the money arising from the sale thereof shall be subject to be invested in the purchase of lands to be settled, so that any person if the lands were purchased would have an estate tail therein, and also money subject to be invested in the purchase of lands to be settled, so that any person, if the lands were purchased, would have an estate tail therein, shall for all the purposes of this Act be treated as the lands to be purchased, and be considered subject to the same estates as the lands to be purchased would, if purchased, have been actually subject to; and all the previous clauses in this Act, so far as circumstances will admit,

shall in the case of the lands to be sold as aforesaid, being either freehold or leasehold or of any other tenure, apply to such lands in the same manner as if the lands to be purchased with the money to arise from the sale thereof were directed to be freehold, and were actually purchased and settled, and shall in the case of money subject to be invested in the purchase of lands to be so settled as aforesaid, apply to such money in the same manner as if the money were directed to be laid out in the purchase of freehold lands, and such lands were actually purchased and settled; save and except that in every case where under this clause a disposition shall be to be made of leasehold lands for years absolute or determinable, so circumstanced as aforesaid, or of money so circumstanced as aforesaid, such leasehold lands or money shall, as to the person in whose favour or for whose benefit the disposition is to be made, be treated as personal estate, and the assurance by which the disposition of such leasehold lands or money shall be effected shall be an assignment by deed, which shall have no operation under this Act unless proved and recorded in the Secretary's office of this Island within three calendar months after the execution thereof if executed in Barbados, and twelve if elsewhere.

41. A contingent or executory, and a future interest, and a possibility coupled with an interest in land of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent, into or upon any land of any tenure, may be disposed of by deed.

42. It shall be lawful for every married woman, in every case, except that of being tenant in tail, for which provision is already made by this Act, by deed to dispose of lands of any tenure, and money subject to be invested in the purchase of lands, and also to dispose of, release, surrender, or extinguish any estate which she alone or she and her husband in her right, may have in any lands of any tenure, or in any such money as aforesaid, and also to release or extinguish any power which may be vested in or limited or reserved to her in regard to any lands of any tenure, or any such money as aforesaid (or in regard to any estate in any lands of any tenure or in any such money as aforesaid), and may disclaim any estate or interest in any land as fully and effectually as she could do if she were a femme sole; save and except that no such disposition, release, surrender, or extinguishment shall be valid and effectual unless the husband concur in the deed by which the same shall be effected, nor unless the deed be acknowledged by her as hereinafter directed.

43. Provided always, that the powers of disposition given to a married woman by this Act shall not interfere with any power which, independently of this Act, may be vested in or limited or reserved to her, so as to prevent her from exercising such power in any case, except so far as by any disposition made by her under this Act she may be prevented from so doing in consequence of such power having been suspended or extinguished by such disposition.

44. Every deed to be executed by a married woman for any of the purposes of this Act shall, upon her executing the same, or afterwards, be produced and acknowledged by her as her act and deed before the Chief Judge or before a Commissioner for the taking of the acknowledgment and probate of deeds and the private examination of married women.

45. Such Judge or Commissioner as aforesaid, before he or they shall receive the acknowledgment by any married woman of any deed by which any disposition, release, or extinguishment shall be made by her under this Act, shall examine her, apart from her husband, touching her knowledge of such deed, and shall ascertain whether she freely and voluntarily consents to such deed, and unless she freely and voluntarily consent to such deed, shall not permit her to acknowledge the same; and in such case such deed shall, so far as relates to the execution thereof by such married woman, be void.

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27 August 1853.

Provision as to
acknowledgments by
married women
residing out of the
Island.

46. In those cases where by reason of residence beyond the seas any married woman shall be prevented from making the acknowledgment required by this Act before the Chief Judge or a Commissioner of probates, then it shall be lawful if such married woman shall be residing in Great Britain or Ireland or any of her Majesty's dominions, to appear before any of her Majesty's Judges of any Court of Law or Equity, or Mayor of any city or corporation, or before the Governor, Chief Officer or Chief Judge of any place within her Majesty's dominions; or if such married woman be residing in any foreign country or state, then before any British Consul or Vice-Consul, and in case there be no British Consul or Vice-Consul, then before any Governor, Chief Judge, or any Notary Public of any foreign country, island, or place where such married woman may reside, and shall, apart from her husband, acknowledge before any one of such authorities such deed to be her free and voluntary act and deed made without any compulsion, menaces, or threats by her husband, and the husband shall also acknowledge the deed to be his act and deed, and such acknowledgement shall be certified under the hand and seal of such Judge, Mayor, Consul, Vice-Consul, Governor, Chief Judge or Notary Public, and transmitted to this Island, and allowed by the Governor for the time being, and recorded at length in the Secretary's office of this Island within twelve calendar months after such acknowledgment; such deed shall be as effectual to convey the lands, tenements, and hereditaments therein comprised as if the parties thereto had been resident in this Island, and had executed and acknowledged such deed before the Chief Judge or a Commissioner of probates.

Dower where it
attaches.

47. A married woman not having a jointure which would bar her right of dower, shall have a right of dower, and shall be endowed of one-third part of all the lands, tenements, and hereditaments in this Island of which her husband shall die seized. And no woman shall be endowed or have any right to be endowed of any lands within this Island but such only whereof her husband died or shall die actually and solely seized in fee simple or fee tail general and no other.

Chief Judge and
Commissioners of
probates to continue
to take acknowledg-
ments and probates.

48. The Chief Judge of this Island and the Commissioners for taking acknowledgments and probates, are hereby fully authorized and required to continue to take the acknowledgment of the parties or any of them to any deed, or to take probate thereof by one of the witnesses on oath or affirmation (where an affirmation is allowed instead of an oath), and such deed being so proved and recorded in the Secretary's office of this Island shall, on production thereof, be admissible in evidence in any Court of Law or Equity in this Island.

In what cases pur-
chasers or mortgagees
may lose priority by
neglecting to record
their deeds.

49. Provided that where any deed, conveying, mortgaging, or charging any land shall be omitted to be recorded within three calendar months after its execution, if executed in the Island, or twelve calendar months when executed elsewhere; and any person being ignorant of such deed, shall be induced to purchase or lend money on the security of such land, and shall cause his deed of conveyance, mortgage, or security deed to be proved and recorded in the Secretary's office of this Island, such subsequent *bonâ fide* purchaser shall be entitled to such lands and tenements in preference to the purchaser who shall have neglected to record his deed of conveyance, and such subsequent *bonâ fide* mortgagee or person having such charge shall be entitled to have priority over such mortgagee or other person who shall have neglected to record his mortgage or deed of security.

The land of tenant
in tail in possession
may be levied on and
sold by the Provost-
Marshal absolutely in
fee simple.

50. When any land belonging to any tenant in tail shall be levied on and taken in execution for the debt or debts of such tenant in tail, such tenant in tail being tenant in tail in possession, it shall be lawful for the Provost-Marshal to sell and dispose of the same for an estate in fee simple absolute, in the same manner as such Provost-Marshal would have been authorized to sell and dispose of the same in case such debtor had been entitled to an estate in fee simple in such land. And if such tenant in tail shall become an insolvent trader or insolvent debtor, then the official assignee of any insolvent trader or the trustee of the estate of

such insolvent debtor shall be authorized to sell and dispose of such land for an estate in fee simple.

51. All warranties of land made and entered into by any tenant in tail after the passing of this Act shall be absolutely void, against the issue in tail, and all persons whose estates are to take effect after the determination or in defeasance of the estate tail.

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27 August 1853.

Warranty of tenant in tail void against the issue in tail, &c.

52. A feoffment shall not have any tortuous operation, nor shall an exchange or partition of any land made by deed imply any condition in law, nor shall the word "give" or the word "grant" in a deed imply any covenant in law in respect of any land after the passing of this Act.

A feoffment shall not have a tortuous operation nor an exchange or partition imply any condition, nor shall the words "give" or "grant" imply a covenant.

53. A contingent remainder existing at any time after the passing of this Act shall be, and if created before the passing of this Act shall be deemed to have been, capable of taking effect, notwithstanding the determination by forfeiture, surrender, or merger of any preceding estate of freehold in the same manner in all respects as if such determination had not happened.

A contingent remainder capable of taking effect notwithstanding the determination of the preceding estate.

54. Where any executor or administrator is or shall be entitled to any money secured by a mortgage in fee on land, and the legal estate in such land is or shall be vested in the heir or devisee of such mortgagee, or the heir, devisee, or other assign of such heir or devisee, and possession of the land shall not have been taken by virtue of the mortgage, nor any action or suit depending, such executor or administrator shall have power upon payment of the principal money and interest due on the mortgage, to reconvey or assign the legal estate which became vested in such heir or devisee, and such reconveyance or assignment shall be as effectual as if the same had been made by any heir or devisee, his heirs or assigns.

Executor or administrator entitled to receive mortgage money may assign or reconvey the legal estate in fee.

55. The *bonâ fide* payment to, and the receipt of any person to whom any money shall be payable upon any express or implied trust, or for any limited purpose, or of the survivors or survivor of two or more mortgagees or holders, or the executor, administrators of such survivor or their or his assigns, shall effectually discharge the person paying the same from seeing to the application or being accountable for the misapplication thereof, unless the contrary shall be expressly declared by the instrument creating the trust or security.

Persons receiving money from trustees &c., not bound to see to the application unless expressly declared by the instrument.

No. 254.

23 December 1853.]—AN ACT for the more effectual securing the payment of Rents, and preventing Frauds by Tenants.

No. 254.
23 December 1853.

BE it enacted by the Governor, Council, and Assembly of this Island, Preamble. and by the authority of the same, That—

1. When any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the tenant or owner of the goods so distrained shall not, within ten days next after such distress taken and notice thereof, (with the cause of such taking), left at the chief mansion-house or other most notorious place, on the premises charged with the rent distrained for, replevy the same with sufficient security to be given to the Provost-Marshal, then and in such case after such distress and notice as aforesaid, and after the expiration of the said ten days, the person distraining shall, and may lawfully sell the goods and chattels so distrained for the best price that can be got for the same, towards satisfaction of the rent for which such goods and chattels shall be distrained, and of the charges of such distress and sale, paying the overplus (if any) to the owner. Provided always, that no distress shall be taken for more than two years' rent in arrear, nor shall the goods of a stranger be liable to be sold under a distress, if the claim to the same be established in manner hereafter provided.

When distress for rent may be sold.

Proviso.

No. 254.

23 December 1853.

For rent not exceeding 10*l.* per annum redress by warrant for a wrongful distress may be had before a Police Magistrate.

Where goods distrained shall be sold.

Notice of sale, how given.

Where distrained goods are claimed by a stranger, Police Magistrate to inquire into the right.

Proviso.

For rescous of distrained goods treble damages and costs recoverable.

Double the value may be recovered against a party distraining and selling goods when no rent is due him.

Goods fraudulently removed may, within

2. Where the lands, tenements, or hereditaments in respect of which any distress is made shall be rented, on what tenure soever, at a sum not exceeding ten pounds in the year, it shall be lawful for the Police Magistrate of the parish, and he is hereby required, on application of the tenant within the said ten days, by summons under his hand, to require the landlord or person in whose name such distress shall have been made to appear before him, at a time therein specified, and establish his claim to the amount distrained for; and if it shall appear to the said Police Magistrate, on examining into the matter with the evidence adduced by the parties on either side, that the said amount is not due and owing by the said tenant in terms of the agreement between him and his landlord, he shall direct the proceedings in such distress to be stayed, and the goods and chattels distrained on to be delivered up to the said tenant, free of all costs and charges, and at the expense of the said landlord or other person in whose name such distress shall have been made; and the said tenant shall not be barred thereby from such redress as in this Act, or by any other law then in force, is provided in the case of a wrongful distress.

3. The goods and chattels so distrained shall be sold at the police-station of the parish or district in which such distress shall be taken, or in the market-place of the city of Bridge-Town when the distress shall be taken in the city, and the removal of such goods and chattels shall be at the cost of the tenant: Provided, that if the goods and chattels so distrained on be of such a nature as to suffer in the removal, they may, with the consent of the tenant, be sold on the spot where the same were taken.

4. The party distraining on any goods and chattels shall, seven days before the day of sale, affix a notice in writing at the police-station or market place where the same are to be sold, therein specifying the description of the goods and chattels, and the hours within which the sale will take place.

5. Where the goods distrained shall be claimed by any other person than the lessee or his undertenants, as the property of such person, and such person shall make satisfactory proof of such claim to the Police Magistrate of the parish where such goods were distrained, such goods shall be restored to such person, he paying all expenses incurred by the distress and application to the Police Magistrate, who is hereby authorized to inquire into the ownership of such goods, and to examine the tenant, claimant, and any witnesses he may think necessary for that purpose: Provided that if it shall happen that any goods being on the premises shall be distrained and sold without being claimed, the purchaser thereof shall not be subject to any action or other proceeding by the owner for the recovery thereof, but shall have a good title to the same.

6. Upon any rescous of any goods or chattels distrained for rent, the person grieved thereby shall, in a special action upon the case for the wrong thereby sustained, recover his treble damages and costs of suit against the offender in any such rescous, or against the owners of the goods distrained in case the same be afterwards found to have come to his use or possession.

7. In case any such distress and sale as aforesaid shall be made by virtue or colour of this present Act for rent pretended to be in arrear and due where in truth no rent is in arrear or due to the person distraining, or to him in whose name or right such distress shall be taken as aforesaid, the owner of such goods or chattels so distrained and sold as aforesaid, his executors or administrators, shall and may by action of trespass, or upon the case to be brought against the person so distraining, his executors or administrators, recover double of the value of the goods or chattels so distrained and sold, together with full costs of suit.

8. In case any tenant or lessee for life or lives, term of years, at will, sufferance or otherwise, of any messuages, lands, tenements or heredita-

ments, upon the demise or holding whereof any rent is or shall be reserved, due, or made payable, shall fraudulently or clandestinely convey away or carry off, from such premises his goods or chattels to prevent the landlord or lessor from distraining the same for arrears of rent so reserved, due, or made payable, it shall and may be lawful to and for every landlord or lessor, or any person by him lawfully empowered for that purpose, within the space of thirty days next ensuing such conveying away or carrying off such goods or chattels as aforesaid, to take and seize such goods and chattels, wherever the same shall be found, as a distress for the said arrears of rent, and the same to sell or otherwise dispose of, in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord in and upon such premises for such arrears of rent.

thirty days, be distrained and sold—

9. Provided always, that no landlord or lessor, or other person entitled to such arrears of rent, shall take or seize any such goods or chattels as a distress for the same, which shall be sold *bonâ fide* and for a valuable consideration before such seizure made, to any person not privy to such fraud as aforesaid.

—unless in the hands of a *bonâ fide* purchaser.

10. And to deter tenants from such fraudulent conveying away their goods and chattels, and others from wilfully aiding or assisting therein, or concealing the same; if any such tenant or lessee shall fraudulently remove and convey away his goods or chattels as aforesaid, or if any person shall wilfully and knowingly aid or assist any such tenant or lessee in such fraudulent conveying away or carrying off of any part of his goods or chattels, or in concealing the same, every person so offending shall forfeit and pay to the landlord or lessor from whose estate such goods and chattels were fraudulently carried off as aforesaid, double the value of the goods by him carried off or concealed as aforesaid, to be recovered by action of debt in her Majesty's Court of Common Pleas in this Island.

Tenants and persons assisting them in removing, &c., goods fraudulently, forfeit double the value of the goods removed, to the landlord.

11. Where any goods or chattels fraudulently or clandestinely conveyed or carried away by any tenant or lessee, or his servant, or agent, or other person aiding or assisting therein, shall be put, placed, or kept in any house, stable, store-room, out-house, yard, close, or place, locked-up, fastened, or otherwise secured so as to prevent such goods or chattels from being taken and seized as a distress for arrears of rent, it shall and may be lawful for the landlord or lessor, or other person empowered to take and seize as a distress for rent such goods and chattels (first calling to his assistance a constable of the parish or district where the same shall be suspected to be concealed, who is hereby required to aid and assist therein, and in case of a dwelling-house, oath being also first made before the Police Magistrate for the parish or district, or a Justice of the Peace, of reasonable ground to suspect that such goods or chattels are therein), in the day-time, to break open and enter into such house, stable, store-room, out-house, yard, close, and place, and take and seize such goods and chattels for the said arrears of rent, as he might have done by virtue of this Act, if such goods and chattels had been put in any open field or place.

Houses, &c., to which goods are fraudulently removed may be broken open with assistance of a constable.

12. It shall and may be lawful to and for every lessor or landlord, or other person empowered by him, to take and seize as a distress for arrears of rent, any cattle or stock of his tenant feeding or depasturing upon any field appendent or appurtenant or in any ways belonging to all or any part of the premises demised or holden, and also to take and seize all sorts of corn, grass, roots, fruits, pulse, or other product whatsoever which shall be cut, gathered, made, cured, and laid up in the store-rooms, or other proper place on the premises so demised or holden, and to appraise, sell, or otherwise dispose of the same, towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress, appraisement, and sale in the same manner as other goods and chattels may be seized, distrained, and disposed of.

Cattle, &c., and all sorts of produce gathered, &c., may be distrained.

13. Where any distress shall be made for any kind of rent justly Distress not deemed

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unlawful for irregularity, but party aggrieved may recover special damage—

—unless amends be tendered before action brought.

When landlord may plead general issue and give special matter in evidence.

In replevin, what only necessary for landlord to set forth.

Double costs.

Provost-Marshal how to proceed in replevin of a distress.

Attornment when void.

Tenant to whom declaration, &c., in ejectment delivered, to give notice forthwith to his landlord,

due, and any irregularity or unlawful act shall be afterwards done by the party distraining, or by his agent, the distress itself shall not be deemed to be unlawful, nor the party making it be therefore deemed a trespasser *ab initio*; but the party aggrieved by such unlawful act or irregularity shall or may recover full satisfaction for the special damage he shall have sustained thereby, and no more, in an action of trespass, or on the case at the election of the plaintiff, and where the plaintiff shall recover in such action, he shall be paid his full costs of suit, and have all the like remedies for the same as in other cases of costs.

14. Provided, nevertheless, that no tenant or lessee shall recover in any action for any such unlawful act or irregularity as aforesaid, if tender of amends hath been made by the party distraining or his agent before such action brought.

15. In all actions of trespass or on the case to be brought against any person entitled to rents of any kind, or his agent or other person, relating to any entry, by virtue of this Act or otherwise, upon the premises chargeable with such rents, or to any distress or seizure, sale, or disposal of any goods or chattels thereupon, it shall and may be lawful for the defendant in such action to plead the general issue, and give the special matter in evidence; any law or usage to the contrary notwithstanding: And in case the plaintiff in such action shall become nonsuit, discontinue his action, or have judgment against him, the defendant shall recover costs of suit.

16. It shall and may be lawful for all defendants in replevin to avow or make conusance generally, that the plaintiff in replevin or other tenant of the lands and tenements whereon such distress was made, enjoyed the same under a grant or demise at such a certain rent, during the time wherein the rent distrained for accrued, which rent was then and still remains due, or that the place where the distress was taken was parcel of such tenements for which the rent distrained for was at the time of such distress and still remains due, without further setting forth the grant, tenure, demise, or title of such landlord, lessor, or owner of the premises; any law or usage to the contrary notwithstanding: and if the plaintiff in such action shall become nonsuit, discontinue his action, or have judgment given against him, the defendant in such replevin shall recover double costs of suit.

17. The Provost-Marshal shall, in every replevin of a distress for rent, take in his own name from the plaintiff and two responsible persons as sureties, a bond in double the value of the goods distrained (such value to be ascertained by the oath of one or more credible witness or witnesses not interested in the goods or distress; which oath the person granting such replevin is hereby authorized and required to administer), and conditioned for prosecuting the suit with effect and without delay, and for duly returning the goods and chattels distrained, in case a return shall be awarded before any deliverance be made of the distress, and the Provost-Marshal shall, at the request and costs of the avowant or person making conusance, assign such bond to the avowant or person aforesaid, by indorsing the same and attesting it under his hand and seal, in the presence of two or more credible witnesses; and if the bond so taken and assigned be forfeited, the avowant or person making conusance may bring an action and recover thereupon in his own name; and the Court may by a rule give such relief to the parties upon such bond as may be agreeable to justice and reason, and such rule shall have the nature and effect of a defeasance to such bond.

18. If any tenant shall make any attornment of any land to any stranger, the same shall be void, and the landlord's possession shall not be thereby affected.

19. Every tenant to whom any declaration or other process in ejectment shall be delivered for any lands, tenements or hereditaments, shall forthwith give notice thereof to his landlord or his constituted attorney or attorneys, or receiver of the rent, under penalty of forfeiting the value

of three years' improved rack rent of the premises so demised or holden in possession of such tenant, to the person of whom he holds, to be recovered by action of debt, with costs of suit.

20. That it shall be lawful for the Court when such ejectment shall be brought to suffer the landlord to make himself a defendant by joining with the tenant to whom such declaration in ejectment shall be delivered, in case he shall appear; but in case such tenant shall refuse or neglect to appear, judgment shall be signed against the casual ejector for want of such appearance, but if the landlord of any part of the lands, tenements or hereditaments for which such ejectment was brought, shall desire to appear by himself, and consent to enter into the like rule that by the course of the Court the tenant in possession in case he had appeared ought to have done, then the Court where such ejectment shall be brought shall permit such landlord so to do, and under a stay of execution upon such judgment against the casual ejector until they shall make a further order therein.

21. That it shall and may be lawful for the landlord, where any agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements, or hereditaments held or occupied by the defendant in an action on the case for the use and occupation of what was so held or enjoyed, and if in evidence on the trial of such action any parol demise or any agreement (not being by deed) whereon a certain rent was reserved shall appear, the plaintiff in such action shall not be nonsuited, but may make use thereof in evidence of the quantum of damages to be recovered.

22. No goods or chattels whatsoever lying or being in or upon any messuage, lands, or tenements, which are or shall be leased for life or lives, term of years, at will, or otherwise, shall be liable to be taken by virtue of any execution, unless the party at whose suit the said execution is sued out, shall, before the removal of such goods from off the said premises by virtue of such execution, pay to the landlord or lessor of the said premises, or his agent, all such sums of money as are or shall be due for rent for the said premises at the time of the taking such goods or chattels by virtue of such execution, provided the said arrears of rent do not amount to more than one year's rent; and in case the said arrears shall exceed one year's rent, then the said party at whose suit such execution is sued out, paying the landlord or his agent one year's rent, may proceed to execute his judgment as he might have done before the passing of this Act, and the Provost-Marshal is hereby empowered and required to levy and pay to the plaintiff as well the money so paid for rent as the execution money.

23. It shall and may be lawful for any person or persons having any rent in arrear or due upon any lease for life, years, or at will, ended or determined, to distrain for such arrears, after the determination thereof, in the same manner as they might have done if such lease had not been ended or determined: Provided such distress be made within six calendar months after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant for whom such arrears became due.

24. Where any rent shall be reserved and made payable on any demise or lease of lands, tenements or hereditaments, which lease or demise hath determined, or shall determine on the death of the person making the same (although such person was not strictly tenant for life thereof), or on the death of the life or lives for which such person was entitled to such hereditaments, the executors or administrators of such person by whose death such demise or lease determined, and the person making any such demise or lease, which shall determine on the death of the life or lives for which such person was entitled to such hereditaments, shall and may respectively, in an action on the case, recover of and from such under-tenant or under-tenants of such lands, tenements, or hereditaments, a proportion of such rent, according to the time such person by whose death such demise or lease determined, lived of the last year, or

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&c., under penalty of three years' rent. Landlord may be made defendant with tenant in ejectment, or if tenant refuse to appear and judgment be signed, landlord may still appear and defend.

When agreement is not by deed, landlord may recover reasonable satisfaction for lands occupied.

Goods not to be taken in execution, without the rent due not exceeding one year be paid to the landlord.

Where rent may be distrained for after determination of lease, &c.

Where a portion of rent may be recovered by executors, &c., of tenant for life, &c.

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Where landlord may recover a portion of rent if premises be attached.

Where lands, &c., are deserted, how landlord may proceed to obtain possession, &c.

Costs and charges allowed for making distress, &c.

Penalty for taking greater costs and charges than allowed, recoverable before a Police Magistrate.

quarter of a year, or other time in which the said rent was growing due, making all just allowances or a proportionable part respectively.

25. Where any lands, tenements, or hereditaments shall be attached before the day on which any rent was reserved or made payable upon any demise or lease thereof, the lessor or landlord thereof from whom the same shall be attached shall and may, in an action on the case, recover of and from the tenant thereof a proportion of such rent, according to the time such lessor or landlord was seized thereof, of the last year or quarter of a year, or other time on which the said rent was growing as aforesaid, making just allowances.

26. If any tenant holding any lands, tenements, or hereditaments at a rack rent, or where the rents reserved shall be three-fourths of the yearly value of the demised premises, shall be in arrear for any one year's rent, and shall desert the demised premises, and leave the same uncultivated or unoccupied, so as no sufficient distress can be had to countervail the arrears of rent, it shall and may be lawful to and for the Police Magistrate, or any two Justices of the Peace of the parish where the premises are situated (having no interest in the premises), at the request of the lessor or landlord to go upon and view the same, and to cause to be affixed on the most notorious part of the premises notice in writing what day (at the distance of fourteen days at least) he or they will return to take a second view thereof; and if upon such second view the tenant, or some person on his behalf, shall not appear and pay the rent in arrear, or there shall not be sufficient distress on the premises, then the said Police Magistrate or the Justices may put the landlord or lessor into the possession of the said demised premises, and the lease thereof to such tenant as to any demise therein contained only shall from thenceforth become void.

27. No person whatsoever making any distress for rent, nor any person whatsoever employed in any manner in making such distress, or doing any act whatsoever in the course of such distress, or for carrying the same into effect, shall have, take, or receive out of the produce of the goods or chattels distrained upon and sold, or from the tenant distrained on, or from the landlord, or from any other person whatsoever, any other or more costs and charges for and in respect of such distress or any matter or thing done therein, than such as are fixed and set forth in the schedule to this Act, and appropriated to each act which shall have been done in the course of such distress, and no person whatsoever shall make any charge whatsoever for any act, matter, or thing mentioned in such schedule, unless such act shall have been really done.

28. If any person whatsoever shall in any manner levy, take, or receive from any person whatsoever, or retain or take from the produce of any goods sold for the payment of such rent any other or greater costs and charges than are mentioned and set down in this Act, or make any charge whatsoever for any act, matter, or thing mentioned in this Act, and not really done, it shall be lawful for the party aggrieved by such practices to apply to the Police Magistrate or Justice of the Peace of the parish where such distress shall have been made or in any manner proceeded in for the redress of his grievance so occasioned; whereupon such Police Magistrate or Justice of the Peace shall summon the person complained of to appear before him at a reasonable time to be fixed in such summons, and such Police Magistrate or Justice of the Peace shall examine into the matter of such complaint, and also hear the defence of the person complained of, and if it shall appear to the Police Magistrate or Justice of the Peace, that the person complained of shall have levied, taken, received, or had other greater costs and charges than are mentioned or fixed in this Act, or made any charge for any act, matter, or thing mentioned in this Act, such act, matter, or thing not having been really done, such Police Magistrate or Justice of the Peace shall order and adjudge treble the amount of the moneys so unlawfully taken, to be paid by the person so having acted, to the party who shall have preferred his

complaint thereof, together with full costs, to be recovered and levied as in the case of servants' wages.

29. It shall be lawful for the Police Magistrate or Justice of the Peace, if he shall find that the complaint of the party aggrieved is not well founded, to order and adjudge costs not exceeding twenty shillings, to be paid to the party complained against, which order shall be carried into effect, and levied, and raised as in the case of servants' wages: Provided always, That nothing herein contained shall empower such Police Magistrate or Justice of the Peace to make any order or judgment against the landlord for whose benefit any such distress shall have been made, unless such landlord shall have personally levied such distress: Provided also, that no person who shall be aggrieved by any distress for rent or by any proceeding had in the course thereof, or by any costs or charges levied upon them in respect of the same, shall be barred from any legal or other suit or remedy which he might have had before the passing of this Act, excepting so far as any complaint to be preferred by virtue of this Act shall have been determined by the order and judgment of the Police Magistrate or Justice of the Peace before whom it shall have been heard and determined, and which order and judgment shall and may be given in evidence, under the plea of the general issue in all cases, in which the matter of such complaint shall be made the subject of any action.

If complaint be not well founded, Police Magistrate may order costs not exceeding 20s. to be paid to party complained against.

Proviso.

30. Every person who shall make any levy or distress whatsoever, shall give a copy of his charges, and of all the costs and charges of any distress whatsoever, signed by him, to the person on whose goods and chattels any distress shall be levied.

Copy of charges of distress to be given to tenant.

31. If any action or suit shall be commenced against any person for anything done in pursuance of this Act, the defendant in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to have been done, the jury shall find for the defendant, and if the plaintiff shall be nonsuited, or discontinue his action, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant shall recover treble costs, and have the like remedy for the same as the defendant hath in other cases by law.

Protection clause.

SCHEDULE REFERRED TO IN THIS ACT.

Form of the Order and Judgment of the Police Magistrate or Justice of the Peace before whom Complaint is preferred, where the Order and Judgment is for the Complainant.

In the matter of the complaint of A. B., against C. D., for a breach of the provisions of an Act, entitled "An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants," I, E. F., Police Magistrate or Justice of the Peace for the Parish of do order and adjudge that the said C. D. shall pay to A. B. the sum of as a compensation and satisfaction for unlawful charges and costs levied and taken from the said A. B. under a distress for rent, and the further sum of for costs in this complaint.

(Signed) E. F.

Form of the Order and Judgment of the Police Magistrate or Justice of the Peace, where he dismisses the Complaint as unfounded, and with or without Costs, as the case may be.

In the matter of the complaint of A. B. against C. D., for the breach of the provisions of an Act entitled "An Act for the more effectual securing the Payment of Rents, and preventing Frauds by Tenants," I, E. F., Police Magistrate or Justice of the Peace for the parish of

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do order and adjudge that the complaint of the said A. B. is unfounded (if costs are given), and I do further order and adjudge that the said A. B. shall pay unto the said C. D. the sum of _____ for costs.
(Signed) E. F.

Schedule of Costs and Charges for Distress of Rent.

	s.	d.
Replevin Bond	10	0
Levying Distress	5	0
Setting up Notice of Sale	1	0
Selling effects one per cent.		

No. 255.
2 February 1854.

No. 255.

2 February 1854.]—AN ACT for the appointment of Constables.

Preamble.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Constables, how
appointed.
See Act of 29 May
1866.

1. The Police Magistrates for the city of Bridge-Town, and the respective Police Magistrates in the other parishes in which there shall be towns, and the Police Magistrates for the rural districts shall, and they are hereby respectively required from time to time as there shall be occasion to lay before the Governor for the time being for his approval, the names of such persons as they shall respectively deem to be fit and proper persons to perform the office of constables within the said towns and rural districts, and from and after the approval of such persons to be constables, the said Police Magistrates shall administer to such persons the following oath :

Oath.

"I, A. B., do swear that I will well and truly serve our Sovereign
" Lady the Queen, in the office of constable for the town of
" or the parish of (as the case may be), without
" favour or affection, malice or ill-will, and that I will, to the
" best of my power, cause the peace to be kept and preserved,
" and prevent all offences against the persons and properties of
" her Majesty's subjects, and in all respects execute the duties
" of my said office to the best of my knowledge and ability. So
" help me God."

And every such constable shall be provided with a staff at the public expense, to be paid for by the respective Police Magistrates out of any fees that shall come into their hands, which he shall deliver up to the Police Magistrate of the town or parish for which he shall have been appointed within two days after ceasing to be a constable, under a penalty of Ten Shillings, to be recovered before a Police Magistrate with costs, and paid into the Public Treasury.

Entitled to fees.

2. Every such constable shall in all cases in which he shall execute any writ, summons, or other process, be entitled to the fees authorized to be taken by constables by the Act of this Island settling the fees of magistrates and constables, and such constables are hereby declared to be invested with all powers and authorities, and immunities incident and belonging to the office of constable generally in the parishes and towns for which they shall be appointed. Provided, nevertheless, that nothing herein contained shall be construed to extend to or require the attendance of such constables at the Courts of Common Pleas, or the Court of Grand Sessions, unless specially summoned thereto.

**May be suspended
and dismissed.**

3. Any Police Magistrate, or the Inspector-General of Police, is hereby authorized to suspend any such constable from his office for any dereliction or wilful neglect of duty, and report the same to the Governor for the time being, who may dismiss such constable from his office, or reinstate him, as to the Governor shall seem proper.

**On leaving his parish
his authority to cease,**

4. In case any such constable shall go to reside in any other parish than the one in which he shall be appointed to act as such con-

stable, his authority as such constable shall from thenceforth cease and determine, and he shall give notice of such his removal to the Police Magistrate of the parish or town from which he shall have removed, within six days after his removal, under a penalty not exceeding Twenty Shillings, to be recovered as servants' wages before such Police Magistrate, and paid into the Treasury for the public uses.

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and notice of his leaving to be given by him.

5. If any person shall assault or resist, or shall aid or incite any other person to assault or resist any such constable in the execution of his duty, every such person on conviction thereof before a Police Magistrate, shall forfeit and pay to her Majesty, her heirs and successors, a sum not exceeding Five Pounds, to be recovered as servants' wages, and paid into the Treasury for the public uses, and in default thereof shall be adjudged to be imprisoned for any time not exceeding Two Months, unless the fine be sooner paid.

Assaulting, &c.,
constable. Penalty.

6. An Act passed the Thirteenth day of June, One thousand eight hundred and forty-nine, entitled "An Act to authorize the appointment of "Constables for the several Towns of this Island," shall be and the same is hereby repealed. Provided, nevertheless, that the constables appointed for the towns by the said repealed Act, and the rural constables appointed by another Act of this Island of the Thirteenth day of August, One thousand eight hundred and thirty-nine, shall continue to act as constables for the towns and rural districts for which they have been already appointed, in the same manner and subject to the same rules and regulations as if they had been appointed by this Act.

Repeal clause.

No. 256.

2 February 1854.—AN ACT relating to Weights and Measures.

No. 256.
2 February 1854.

[Clause 1 repeals certain Acts.]

WHEREAS it is desirable to consolidate and amend the several Acts of this Island relating to weights and measures: And whereas the standard as to weights and superficial measure is the same in this Island as in the United Kingdom, but the standard measure of capacity is less than the standard measure of capacity in the United Kingdom, the former being two hundred and thirty-one cubic inches to the gallon, while the latter is two hundred and seventy-seven cubic inches and two hundred and seventy-four one thousand parts of a cubic inch: And whereas it is deemed expedient to continue for the present the weights and measures as now established in this Island: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Preamble.
See Act passed
12 April 1854.

1. The standard of weights and measures as at present established in this Island shall continue to be used, and all articles sold by weight shall be sold by Avoirdupois weight, except gold, silver, platina, diamonds, and other precious stones, which articles and no others may be sold by Troy weight.

Standard of weights
and measures.

2. An Inspector of Weights and Measures, nominated by the General Assembly, and approved by the Governor in Council, shall be appointed annually, and he shall also as at present be Clerk of the Market; and before entering upon the office of Inspector of Weights and Measures and Clerk of the Market, he shall appear before the Governor in Council, and enter into a bond to the Queen's most excellent Majesty, her heirs and successors, with two sufficient sureties to be approved of by the Governor and Council, himself in Two hundred pounds, and each of his sureties in One hundred pounds, for the faithful discharge of his office. And the Inspector of Weights and Measures and Clerk of the Market now performing the duties thereof shall continue so to do during the period for which he hath been appointed, and be paid a salary at the rate he now receives and hereinafter mentioned.

Inspector of Weights
and Measures, how
appointed.

3. The Market Commissioners, or any five of them, are at present Deputy Inspector of

No. 256.

2 February 1854.

Weights and Measures
and Clerk of the
Market, how
appointed.

authorized to appoint a Deputy Inspector of Weights and Measures and Deputy Clerk of the Market, and such authority is hereby continued to them, and such person so appointed shall be under the immediate direction and control of the Inspector of Weights and Measures and Clerk of the Market, and shall perform all the necessary duties of his office in a proper and efficient manner. The Inspector of Weights and Measures and Clerk of the Market shall be paid a salary at the rate of One hundred pounds per annum, and the Deputy Inspector at the rate of Fifty pounds per annum, payable monthly by the Treasurer of the Island on the warrants of the Governor in Council.

Weights and measures
to be kept at the
towns by the
Inspector.
See Act of 6 May
1862.

4. The Inspector of Weights and Measures shall, at the public expense, keep, as at present, in every town of the Island, one bushel, one half-bushel, one peck, one gallon, one quart, one pint, one gill, and one half-gill measure, according to the present standard, marking the same with the letter B, and taking care that the bushel and half-bushel be made with two narrow strips or pieces of iron fixed on the top or brim of them, crossing each other at right angles in the centre, and he shall also keep at the public expense in every town according to the standard aforesaid, and marked with the letter B, one cloth yard, and a set of weights, that is to say, a weight of fifty-six pounds, one of twenty-eight pounds, one of fourteen pounds, one of seven pounds, one of four pounds, one of two pounds, and a weight of one pound, and one of half a pound, under a penalty of Twenty Pounds, to be recovered on the complaint of any person before a Police Magistrate or Justice of the Peace in a summary manner as in the case of servants' wages, one moiety to be paid to the complainant, and the other moiety thereof to the Treasurer of the Island for the uses of the Island.

Persons using weights
and measures to cause
them to be marked by
the Inspector as
herein.

5. Every person using steel-yards, scale-beams, or balances, cloth-yards, weights and measures, shall cause the same to be viewed, examined, and marked by the Inspector, who is hereby required to mark the same with the letter B, taking care that the bushel and half-bushel measure are made in the manner before mentioned, and that such steel yards, scale beams, or balances, are perfect, and taking for marking each steel yard, cloth yard, scale beam, or balance, threepence, and for each weight and measure, threepence, and no more, to be by him paid to the Treasurer of the Island for the public uses; and if any person appointed Inspector shall mark or give allowance unto, or knowingly and wilfully suffer to be used any bushel or half-bushel, not made in the manner aforesaid, or any steel yard, scale beam, or balance, cloth yard, weight or measure, other than according to the said standard, or shall, upon reasonable request or warning, refuse to mark or give allowance unto such steel yard, scale beam, or balance, cloth yard, weight or measure, as are according to the said standard as aforesaid, or being paid such sum or sums for such allowance as aforesaid, or shall exact or receive more than the said sum or sums, then the said Inspector shall forfeit for every such offence Five Pounds. And if any person shall sell any corn, grain (except Guinea or Indian corn in the ear or stalk, or peas, beans, or other pulse in the husk, which shall be sold by weight at the rate of seventy-four pounds to the bushel), or other articles usually sold by the bushel, by any other bushel or half-bushel than that which is agreeable to the standard aforesaid, and made and marked as aforesaid, or shall keep, sell, or buy with any steel yard, scale beam, or balance, cloth yard, weight, or measure, except it shall be equal to the above standard, and marked in manner aforesaid by the said Inspector, he shall forfeit the value of the goods sold by such steel yards, scale beam, or balance, cloth yard, weight, or measure, and likewise a sum not exceeding Ten Pounds nor less than Ten Shillings, and it shall and may be lawful for any Justice of the Peace, police officer, or constable, to take, seize, and carry away any steel yards, scale beams, or balances, cloth yards, weights, and measures, which he shall have reasonable grounds to suspect to be made and used contrary to the provisions of this Act, and to retain the same in

Penalty on Inspector
for breach of duty in
marking weights and
measures, &c.

Persons selling
articles by other than
standard weights and
measures, made and
marked as herein,
incur a penalty.

Weights and measures
suspected to be used
contrary to this Act
may be seized by a
peace officer.

his custody until such time as the same shall be examined by the said Inspector of Weights and Measures.

6. The person so taking, seizing, and carrying away any such steel yard, scale beam, or balance, cloth yard, weight, or measure, shall immediately give notice thereof to the Inspector, who shall with all convenient speed after such notice, view and examine whether the steel yard, scale beam, or balance, cloth yard, weight, or measure, so seized, be sufficient and according to the true intent of this Act; giving notice to the owner of the time and place of such examination, to the intent that he may be present if he thinks proper, and if the same on such examination shall appear insufficient they shall be destroyed, and the offender incur a penalty not exceeding Ten Pounds nor less than Ten Shillings, but if the same shall be sufficient the same shall be returned to the owner thereof.

How weights and measures so seized to be dealt with.

7. The Inspector of his own knowledge, or having information given him of any person offending against this Act, shall, at the public expense, prosecute the offender in such manner as this Act prescribes, and the said Inspector is hereby empowered at all seasonable times in the day-time, to enter the houses, shops, or stores, of all persons using trade and carrying on business, and view and examine all steel yards, scale beams, or balances, cloth yards, weights, or measures, and such as he shall upon the said examination find defective, he shall seize, and lodge a complaint before the Police Magistrate of the parish against the party offending, who, on conviction, shall forfeit a sum not exceeding Ten Pounds and not less than Ten Shillings, and for a second offence shall be bound over to appear at the next Court of Grand Sessions: and on being convicted, then shall be punished by fine and imprisonment or either at the discretion of the Court.

Inspector to prosecute offenders against this Act, and may enter shops, &c., and examine weights and measures.

Offenders, how punishable.

8. The Inspector of Weights and Measures shall, on the first Monday in every month, or oftener if thereto required by the Treasurer, give and render in upon oath, a true, exact, and perfect account in writing under his hand, of all the moneys which he shall to such time have received for the marking of the aforesaid weights and measures, under and by virtue of this Act, mentioning particularly in such account, the times when and the persons' names from whom the said moneys were received, and pay over to the Treasurer all moneys so received by him; and in case of neglect or refusal so to do, on complaint made by the Treasurer to a Police Magistrate, such Inspector may be examined on oath touching such moneys, and may be fined by such Police Magistrate not exceeding Fifty Pounds, to be paid into the Treasury for the public uses, and the said Inspector shall, at the same time, furnish a copy of every such account to the Clerk of the Committee of Public Accounts, to be produced by him to the Committee on the examination of the Treasurer's accounts.

Inspector, how to account with the Treasurer, and penalty for neglect, &c.

To furnish copies of accounts to the Clerk of the Committee of Public Accounts.

9. If any action, suit, or information, shall be commenced or prosecuted against any person for what he shall do in pursuance or execution of this Act, the same shall be commenced within six months after the offence committed, and such person may plead the general issue, and give this Act and this special matter in evidence, and if the plaintiff or prosecutor shall become nonsuit or discontinue such action, or shall forbear further prosecution, or if a verdict pass against him, the defendant shall recover double costs.

Protection clause.

10. All penalties and forfeitures in this Act shall be to the Queen's most excellent Majesty, her heirs and successors, and shall be recoverable with costs before a Police Magistrate or Justice of the Peace in the parish wherein the offence was committed, or before a Police Magistrate of Bridge-Town, if the offence be committed in the city or within the jurisdiction of such Magistrate, as in the case of servants' wages, and when not otherwise directed be paid into the Public Treasury for the uses of the Island.

Penalties and forfeitures, how recoverable.

No. 257.

21 February 1854.

No. 257.

22 February 1854.]—AN ACT for increasing the Salaries of certain of the Police Magistrates and their Clerks.

[Clause 1 had its effect..]

Salary of Clerk of
St. Philip.

BE it enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, That—

2. The Clerk to the Police Magistrate for the Parish of Saint Philip shall be paid at the annual rate of fifty pounds.

No. 258.

29 March 1854.

No. 258.

29 March 1854.]—AN ACT for the Government of the Prisons of this Island.

Preamble.

WHEREAS a new prison is now in course of erection at Glendairy, near the District Police Station "A," in the parish of Saint Michael, and it is expedient that provision should be made by one general Act for the government of the same and the other prisons of this Island: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

"Glendairy Prison,"
for what prisoners to
be used.

1. The prison so referred to shall, when completed, be called "Glendairy Prison," and shall be used for the confinement of all prisoners sentenced to imprisonment, with or without hard labour, except as hereinafter provided.

The "Town Hall,"
for what prisoners to
be used.

2. Male debtors and male prisoners committed for trial, shall be confined as heretofore in the common gaol of Bridge-Town, which shall thereafter be called "The Town-Hall."

Juvenile prisoners.

3. Juvenile prisoners under the age of fourteen years, convicted of any offence, shall be confined in the prison at the District Police Station "B."

For want of room in
Glendairy prison
Town Hall to be used
for males, and
District "E" for
females.

4. If it shall happen at any time, that for want of room prisoners sentenced to confinement in the "Glendairy Prison" cannot be received, it shall be lawful for the Governor to order that such prisoners be confined in the "Town-Hall" if a male, and in the prison at District "E" if a female, until there shall be room in "Glendairy Prison," and then to have them removed there.

Prisoners, where to
be worked.

5. Prisoners confined in "Glendairy Prison" shall be worked within the walls of the prison. Provided that it shall be lawful for the Governor to order any such male prisoners as he may think fit, to be worked as heretofore on the roads and other public works, under such conditions and restrictions as he shall think fit. And the Governor shall appoint proper Superintendents, at such salaries as shall be fixed by the Board of Gaol Commissioners, to take charge of the prisoners when working on the roads and other public works,—such Superintendents to be considered for the time being as on and belonging to the staff of the prisons.

Superintendents,
when to be appointed.

Rules and regulations
made by Governor
and Council to apply
to prisoners worked
out of as well as in
prison, and whilst
being removed from
one prison to another.

6. All rules and regulations made and to be made by the Governor and Council, under the authority of the Act of the Imperial Parliament, passed the Fourth day of August, One thousand eight hundred and thirty-eight, entitled, "An Act for the better Government of Prisons in the West Indies," shall apply not only to the "Town-Hall" and other prisons of this Island now in use, but to "Glendairy Prison" when occupied. And such rules and regulations shall also apply to all prisoners, not only whilst actually in confinement in prison, but when working on any roads and other public works, and whilst being taken from prison to be employed on such roads and other public works, and also whilst being carried back to such prison; and such rules and regulations shall also apply to prisoners whilst being removed from one prison to another.

Breach of prison dis-
cipline by prisoners

7. If any prisoner shall be guilty of a breach of prison discipline or other offences, whilst being conveyed from one prison to another, it shall

be lawful for the Police Magistrate of the district in which the prison is situate, to which such prisoner was being conveyed, to adjudicate thereon in the same manner as if the offence had been committed in the prison of his district.

8. If any prisoner shall be guilty of a breach of prison discipline, or other offence, whilst employed on any road or other public work, or whilst being taken to or from such road or other public work, it shall be lawful for the Police Magistrates of the district in which the prison is situate to which such prisoner belongs, to adjudicate thereon in the same manner as if the offence was committed in said prison.

9. The officers of "Glendairy Prison" shall, when completed, consist of a governor, a matron, assistant-matron and six warders, who shall be appointed by his Excellency the Governor, and receive the following annual salaries from the Public Treasury, that is to say: the governor three hundred pounds, the matron one hundred pounds, assistant matron sixty pounds, the first warder one hundred pounds, the second warder seventy-five pounds, the third warder sixty pounds, and the other three warders fifty pounds each.

10. A surgeon shall be appointed by the Governor to "Glendairy Prison" and the "Town-Hall," who shall receive an annual salary of one hundred pounds for his attendance on and care of the sick in those establishments.

11. Instead of police officers being connected with the common gaol and other prisons, as at present, there shall be for the Town-Hall a keeper and a turnkey, to be appointed by the Provost-Marshal with the approval of the Governor, and they shall be paid the following annual salaries from the Public Treasury, that is to say: the keeper one hundred and fifty pounds, and the turnkey sixty pounds. And it shall be lawful for the Governor to appoint a keeper for the prison at District B at a salary not exceeding seventy-five pounds per annum, and for the prison at District E a matron at a salary of fifty pounds per annum.

12. It shall be lawful for the Governor to appoint a clergyman of the Established Church to be chaplain to the different prisons and to the lunatic asylum, who shall devote his time and services to those establishments, and shall be paid a salary of three hundred pounds per annum, and he shall superintend and take part in the tuition and religious instruction of the prisoners confined at Glendairy Prison, and he shall be required to appoint a schoolmaster, who shall assist him in catechising and teaching the prisoners confined there, and who shall be paid an annual salary of seventy-five pounds.

13. The salaries granted by this Act shall be paid quarterly from the Public Treasury by the warrants of the Governor in Council, on the Treasurer of the Island for the time being.

No. 258.
29 March 1854.

whilst removing from one prison to another, how to be adjudicated.

Breach of prison discipline, &c., committed on any public road, &c., how to be adjudicated.

Officers of Glendairy Prison appointed by the Governor, their salaries.
See Act of 21 February 1865.

A surgeon to be appointed for Glendairy Prison and the Town Hall.

A keeper and turnkey allowed for the Town Hall; how appointed, and at what salaries.
See Act of 11 February 1863.

A chaplain to be appointed to the prisons and lunatic asylum.

Salaries paid quarterly.

No. 259.

No. 259.
12 April 1854.

12 April 1854.]—AN ACT to repeal certain Acts and parts of Acts.

WHEREAS it is expedient to repeal the several Acts and parts of Acts mentioned in the Schedules hereunto annexed: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same—

1. That all and every the Acts, the titles and dates whereof are mentioned and set forth in the Schedule marked A hereunto annexed, shall be, and the same are hereby wholly repealed, and so much and such parts of the several Acts, the titles and dates whereof are mentioned and set forth in the Schedule marked B as are in such Schedule particularly mentioned and described, shall be, and the same are hereby repealed.

2. Provided always that the repeal of such Acts and parts of Acts respectively, shall not be construed to prejudice or affect any right, title,

Preamble.

No. 259.
12 April 1854.

or interest acquired thereunder, or to stay or prevent the further prosecution of any proceedings, civil or criminal, which may be now pending, or the institution or commencement of any proceedings as aforesaid, for or in respect of, or arising out of any cause, matter or thing, heretofore done, committed or omitted under or in pursuance of, or against the provisions of such Acts or parts of Acts, any or either of them; but notwithstanding such repeal all such proceedings may be prosecuted and judgment given for them and enforced in like manner as if such Acts had continued in force: Provided such proceedings be commenced and prosecuted within the time limited by such Acts respectively, where any time is therein specially limited, or in other cases within one month after the passing of this Act.

3. That so much and such parts of any Act or title of any Act heretofore passed by the Legislature of this Island, as mention the words or relate to slaves or apprenticed labourers, or designate or describe any free persons whomsoever, by complexion, or colour, or descriptive words, of similar purport or import, as contradistinguished from white persons, shall be and the same are hereby repealed and may be omitted in any future transcript, copy, recompilation or publication of the laws of this Island.

No. 260.
12 April 1854.

No. 260.

12 April 1854.]—A SUPPLEMENTAL ACT to the Act relating to Weights and Measures, 1854.

Preamble.

WHEREAS it is expedient that a supplemental Act to the Act relating to weights and measures of the second of February in the present year, should be passed in the particulars hereinafter mentioned: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

A weight of a quarter of a pound and a half-gallon measure to be marked in addition to the other weights established.

1. In addition to the weights and measures mentioned in said Act, and allowed to be used after being viewed, examined, and marked by the Inspector of Weights and Measures in the manner therein required, a weight of a quarter of a pound and a half-gallon measure shall, if required by any person, be viewed, examined, and marked by the said Inspector as if particularly mentioned in said Act; and from henceforth it shall not be lawful to use the quarter of a pound weight or the half-gallon measure unless the same be duly marked by the said Inspector of Weights and Measures, and all and every the penalties and provisions of the said Act shall apply to weights being the quarter of a pound and to half-gallon measures in as full and ample a manner to all intents and purposes as they apply to the other weights and measures mentioned in said Act.

Informer to have a moiety of penalties.

2. Any person may prosecute for recovery of the penalties incurred under said Act, or for penalties incurred for an infraction of the requirements of this Act, and the person so prosecuting shall be entitled to his use to a moiety of all such penalties when recovered.

3. The aforesaid recited Act and this Act shall be taken and construed together as forming one Act.

No. 261.
12 April 1854.

No. 261.

12 April 1854.]—AN ACT to relieve William Squires, on account of bodily Injuries accidentally received by him in the Public Service of this Island.

Preamble.

WHEREAS William Squires, of the parish of Saint Michael, hath preferred his humble petition to the General Assembly, praying for relief in consequence of very serious bodily injuries accidentally received by him

whilst engaged in the month of April last in blasting stones for the New Prison now in course of erection at district A, whereby he is entirely deprived of sight: And whereas it is deemed expedient to afford relief to the petitioner in the premises: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. An annuity of seven pounds ten shillings is hereby granted from the Public Treasury to the said William Squires for the term of his natural life, commencing from the first day of January in the present year, and to be paid quarterly.

2. The Governor in Council for the time being is hereby authorized to issue warrants from time to time to the Treasurer of the Island for payment of the said annuity to the said William Squires in quarterly sums as aforesaid.

No. 261.
12 April 1854.

No. 262.

No. 262.
12 April 1854.

12 April 1854.]—AN ACT to secure to Persons, who were manumitted during the existence of Slavery in this Island, the Annuities to which they are entitled for their Lives.

WHEREAS during the existence of slavery the owners of slaves who manumitted them were compelled to pay certain sums of money to the churchwardens of the parishes where the slaves were manumitted, and the vestries of such parishes were compelled to pay certain annuities to the slaves so manumitted for the term of their natural lives: And whereas many of such persons are now living, and are entitled to certain annuities for their lives, and it is expedient to make provision respecting such annuities: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The rights and interests of all such persons as were manumitted according to the laws of this Island, and who are now receiving or entitled to receive any annuity or annuities from the several vestries or churchwardens of this Island, are hereby recognized and preserved.

Preamble.

Rights of annuitants under manumission laws preserved.

2. Every such annuitant shall be entitled to recover the arrears of his or her annuity from the parochial treasurer of the parish for which every such annuity is due by action of debt, or by complaint before Justices of the Peace, or Police Magistrates, where the amount of such arrears do not exceed the sum recoverable under the Act of this Island, entitled "An Act for the more easy and speedy recovery of Small Debts."

Remedy given to them for recovery of arrears of annuity.

[3 Clause Repeals Act of 7 February, 1739.]

No. 263.

No. 263.
12 April 1854.

12 April 1854.]—AN ACT relating to Police Magistrates.

WHEREAS it is expedient to consolidate into one Act the several provisions relating to the Police Magistrates contained in the Acts hereinafter repealed: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Preamble.

1. The Police Magistrates of parishes shall and they are hereby required, unless otherwise directed by the Governor or Commander-in-Chief for the time being, to keep their offices at the several police stations of the parishes for which they are appointed.

Police Magistrates, where to keep their offices.

2. The jurisdiction of the Police Magistrates of Bridge-Town shall extend as far as the extremity of Hastings Village in the parish of Christ Church, and in and over the Careenage and Carlisle Bay; and it shall be lawful for any police officer to execute the writs of the said Police Magistrates in such places.

Hastings Village, the Careenage, and Carlisle Bay, within the jurisdiction of the Bridge-Town Police Magistrates.

3. All such fees as may now be lawfully demanded and received upon any proceedings had before any Justice of the Peace, shall and may be demanded on any proceedings had before a Police Magistrate; and it

Fees, when demandable, and how recoverable, by Police Magistrates.

448 *Remitting Tonnage-Duty on Vessels importing Military Stores.*

No. 263.
12 April 1854.

Justices of the Peace, not being Police Magistrates, prohibited from taking fees under a penalty, and Police Magistrates to recover fees only at their offices, under penalty.

Accounts to be kept by Police Magistrates and their clerks, and returns made as herein provided.

Treasurer to proceed against Police Magistrates for neglect to account and pay over fees.

Table of fees to be exhibited in every police office.

Writs issued by Police Magistrates to be executed by police officers.

shall be lawful for any Police Magistrate to refuse to do any act for which any fee shall be demandable (except in criminal matters) unless such fee shall be first paid; and if any such act shall be done, and the fee due thereon shall not be paid, it shall be lawful for such Police Magistrate to issue execution in the usual way for the recovery thereof.

4. No Justice of the Peace other than a Police Magistrate shall receive fees upon pain of forfeiting the sum of Fifty Pounds for every such offence, one moiety thereof to be paid to the Treasurer of the Island for the public uses, and the other moiety thereof, with full costs of suit, to the person who shall sue for the same in her Majesty's Court of Common Pleas; and no Police Magistrate shall receive any fee except at the public office where his business as Police Magistrate shall be transacted, under the like penalty, to be recoverable and distributable in like manner as hereinbefore mentioned.

5. The Police Magistrates and their clerks respectively shall, in books to be provided for that purpose, keep full, true, and particular accounts of all fees taken and received at each of the said offices, together with all penalties and forfeitures which shall have been received in pursuance of any adjudication, conviction, or order had or made at any of the said offices, or any process or warrant issuing from the same, and shall keep a separate and distinct account of all fees, fines, and forfeitures which are applicable towards the Police Reward Fund; to which books of account the Treasurer of the Island shall at all times have free access. And the said Police Magistrates shall, at the proper quarters at which the Treasurer's accounts are made up, deliver to the Treasurer, two separate accounts, one showing all sums of money which have been received by every such Police Magistrate during such quarter, and forming a part of the Police Reward Fund, and the other showing all sums of money received by every such Police Magistrate and payable to the Treasurer, and shall pay the respective amounts thereof to the Treasurer to be accounted for by him to the Committee of Public Accounts; and the said Police Magistrates shall also transmit through the Police, to the clerk of the Committee of Public Accounts, a copy of every such account to be produced by him before the Committee on the examination of the Treasurer's accounts, and shall also through the Police transmit a certified copy of every such account relating to the Police Reward Fund, to the clerk of the Board of Police Commissioners, to be by him laid before the Police Commissioners.

6. If any Police Magistrate shall neglect to account for and pay over to the Treasurer any fees, fines, or forfeitures which he shall have received by himself or his clerk at the times when he ought to have accounted and paid over the same, the Treasurer of the Island is hereby authorized and required to bring an action of debt in her Majesty's Court of Common Pleas for the recovery of the same with costs of suits.

7. In some conspicuous part of every Police Office in this Island there shall be affixed a table of fees which may legally be taken by Police Magistrates and constables.

8. All writs issued by a Police Magistrate shall be directed to some police officer whose duty it shall be to execute the same, and when executed to make a return thereof to the Police Magistrate who issued such a writ.

No. 264.
26 April 1854.

No. 264.

26 April 1854.]—AN ACT to remit the Tonnage Duty on Vessels importing Military and Naval Stores for the use of Her Majesty's Army and Navy.

[Clause 2 repeals certain Acts.]

Preamble.

BE it enacted by the Governor, Council, and Assembly of this Island and by the authority of the same, That vessels importing military or naval

stores for the use of her Majesty's army and navy shall be free and exempt from all tonnage duty and fees: Provided that such vessels land no other cargo whatever nor take on board any goods or merchandize, and that proof be given to the officers of the customs that such stores are imported for the use of her Majesty's army and navy, and warrant granted for the unloading of the same by the Comptroller or other chief officer of her Majesty's customs in this Island in the usual manner.

No. 264.
26 April 1854.

No. 265.

No. 265.
28 April 1854.

28 April 1854.]—AN ACT to encourage the establishment of a Central Sugar Manufactory and Model Farm.

WHEREAS several of the inhabitants of this Island have united together to establish a central sugar manufactory and model farm, for the improvement of sugar and other the productions of the Island, and they propose to open a subscription for raising a capital of Forty thousand pounds sterling for the purpose of purchasing land, buildings, stock, and machinery to establish such manufactory and farm, and the better to enable them to carry out their undertaking they have humbly petitioned the Legislature to incorporate them: And whereas it appearing that such establishment will tend to the improvement of the agriculture and manufactures of the Island, it is deemed expedient to promote the same. May it therefore please your Majesty that it may be enacted, and be it therefore enacted by the Governor, Council, and Assembly of this your Majesty's Island of Barbados, That—

1. The several persons who have become subscribers of not less than five pounds each towards the capital or joint stock hereinafter mentioned, together with such and so many other persons, bodies politic or corporate, as shall become subscribers of or towards the said capital or joint stock as hereinafter mentioned, or who shall from time to time become proprietors in manner hereinafter mentioned of any part of such capital or joint stock not being a fractional part of five pounds of such stock, shall be one body politic and corporate in deed and in name by the name of "The Barbados Central Sugar Manufactory and Model Farm Company," and by that name shall and may sue and be sued, implead and be impleaded in all Courts whether of law or equity, and shall have perpetual succession with a common seal which may be by them changed or varied at their pleasure.

Subscribers incorporated by the name of "The Barbados Central Sugar Manufactory and Model Farm Company."

2. The said Company shall be established for the purpose of improving the growth and manufacture of the products of this Island, for which purpose it shall be lawful for the said Company to purchase, take, hold and enjoy to them and their successors such lands, houses, offices, buildings and all other hereditaments and all such machinery, agricultural implements, live and dead stock, and all other matters and things whatsoever as shall or may from time to time be necessary and proper for the purpose of conducting and carrying on the affairs and business of the said Company, and from time to time to sell, charge, mortgage, convey, and dispose of the same or any part thereof, and also to take and accept all such conveyances to the said Company and their successors of all such lands, houses, offices, buildings and other hereditaments.

Purposes for which the Company is established.

3. It shall be lawful to raise among themselves the money for establishing such central manufactory and model farm, amounting to Forty thousand pounds sterling, the whole to be divided into eight thousand shares, and the said shares shall be and are hereby vested in the several persons so raising the same and their several and respective successors, executors, administrators and assigns, who shall severally subscribe for one or more share or shares towards carrying on and completing the said undertaking, who shall be entitled to receive proportionably, according to the respective sums so by them respectively paid, the nett profits and

Capital of the Company.

No. 265.
28 April 1854.

Company may raise additional capital.

advantages which shall arise or accrue from the said central manufactory and model farm as and when the same shall be divided, and every person having such property in the said undertaking shall bear and pay a proportionate sum towards carrying on the same to the amount of their respective shares in the said undertaking, but not further or otherwise.

Shares deemed personal estate.

4. The said Company shall be at liberty for the purposes aforesaid to raise a further sum by way of capital of Twenty thousand pounds sterling, to be divided into four thousand other shares, at five pounds each to be issuable by the Directors of the Company on such terms and conditions as shall be provided by some bye-law to be made for that purpose.

Shareholders' liability limited to the amount of their shares.

5. All the shares of and in the said undertaking shall be deemed personal estate and transmissible as such, and shall not be deemed of the nature of real estate.

Company not to purchase land, &c., until 40,000*l.* be subscribed and 10,000*l.* paid up.

6. No shareholder of the Company shall be liable for or chargeable with the payment of any debts or demands due from or by the said Company beyond the amount of his shares of the capital of the Company not paid up.

Registry of shareholders.

7. It shall not be lawful for the said Company to purchase land or commence to carry on the said business until the sum of Forty thousand pounds shall have been subscribed for and the sum of Ten thousand pounds shall have been actually paid up.

8. The Company shall keep a book to be called the "Register of Shareholders," and in such book shall be fairly and distinctly entered from time to time the names of the several corporations and firms and persons entitled to shares in the Company, together with the number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number and the amount of the subscription paid on such shares, and the surnames, corporate names, or firms of the said shareholders shall be placed in alphabetical order; and such book shall be authenticated by the common seal of the Company being affixed thereto, and such authentication shall take place at the first ordinary meeting or at the next subsequent meeting of the Company, and so from time to time at each ordinary meeting of the Company.

Addresses of shareholders.

9. In addition to the said Register of Shareholders, the Company shall provide a book to be called the "Shareholders' Address Book," in which the Secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the Company, being corporations or firms, and the surnames of the several other shareholders with their respective Christian names, places of abode and descriptions, so far as the same shall be known to the Company; and every shareholder may at all convenient times peruse such book gratis and may require a copy thereof, and for every hundred words so required to be copied the Company may demand a sum not exceeding sixpence.

Certificate of shares to be issued to the shareholders, and to be evidence.

10. On demand of the holder of any share the Company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the Company affixed thereto, and such certificate shall specify the share in the undertaking to which such shareholder is entitled, and the same may be in the form of the schedule A to this Act annexed; and for every such certificate the Company may demand a shilling. And such certificate shall be admitted in all Courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

Shares transferable.

11. It shall be lawful for the several proprietors of the said Company, their executors, administrators, successors and assigns, to sell and transfer any share of the capital stock of the said Company of which

they shall respectively be possessed, and every such transfer shall be in such form and to such effect as shall be devised by the Court of Directors for the time being of the said Company: Provided always, that after any call for money shall have been made, and become due and payable by virtue of this Act, no person or persons shall sell or transfer any share in the capital stock of the said Company until the moneys called for in respect of such share shall have been paid.

12. The Company shall not be bound to see to the execution of any trust, whether express or implied or constructive, to which any of the said shares may be subject; and the receipts of the party in whose name any such share shall stand in the books of the Company, or if it stand in the names of more parties than one, the receipt of one of the parties named in the Register of Shareholders, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the Company have had notice of such trusts; and the Company shall not be bound to see to the application of the money paid upon such receipt.

13. The several persons who have subscribed any money towards the undertaking, or their legal representatives, respectively, shall pay the sums so respectively subscribed, or such portions thereof as shall from time to time be called for by the Company, at such times and places as shall be appointed by the Company; and with respect to the provisions in this Act contained for enforcing the payment of calls, the word "Shareholder" shall extend to and include the legal personal representatives of such shareholder.

14. It shall be lawful for the Company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided twenty-one days' notice at the least be given of each call, and that no call exceed the sum of one pound five shillings for each share subscribed for, and that an interval of at least three calendar months elapse between each call, and that not more than two pounds ten shillings in respect of each share subscribed for be called for during the first twelve months after the first call, including the amount of the first call; and every shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company.

15. If before or on the day appointed for payment any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same from the day appointed for the payment thereof to the time of the actual payment.

16. It shall be lawful for the Company, if they think fit, to receive from any of the shareholders willing to advance the same all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at such rate, not exceeding the legal rate of interest of the Island, as the shareholder paying such sum in advance and the Company shall agree upon.

17. If at the time appointed by the Company for the payment of any call any shareholder fail to pay the amount of such call, it shall be lawful for the Company to sue such shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and to recover the same with lawful interest from the day on which such call was payable.

18. In any action or suit to be brought by the Company against any shareholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is the holder of one share

No. 265.
23 April 1854.

Matter to be proved
in an action for calls.

Proof of proprietor-
ship.

Forfeiture of shares
for nonpayment of
calls.

Notice of forfeiture to
be given before
declaration thereof.

Forfeiture to be con-
firmed at a general
meeting.

Sale of forfeited
shares.

Evidence as to
forfeiture of shares.

or more in the Company (stating the number of shares), and is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more (stating the amount and number of each of such calls), whereby an action hath accrued to the Company by this Act.

19. On the trial or hearing of such action or suit it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the undertaking, and that such call was in fact made and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, so that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

20. The production of the Register of Shareholders shall be *prima facie* evidence of such defendant being a shareholder and of the number and amount of his shares.

21. If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the Directors at any time after the expiration of two months from the day appointed for payment of such call may declare the share in respect of which such call was payable forfeited, and that whether the Company have sued for the amount of such call or not.

22. Before declaring any share forfeited, the Directors shall cause notice of such intention to be left at or transmitted by post to the usual or last place of abode of the person appearing by the Register of Shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the Directors by reason of its being imperfectly described in the shareholders' address book, or otherwise, or if the interest in any such share shall be known by the Directors to have become transmitted otherwise than by transfer, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the Directors, the Directors shall give public notice of such intention in the London Gazette, and also in one of the newspapers of this Island, and the several notices aforesaid shall be given twenty-one days at least before the Directors shall make such declaration of forfeiture.

23. The said declaration of forfeiture shall not take effect so as to authorize the sale or disposition of any share until such declaration have been confirmed at some General Meeting of the Company to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the Company to confirm such forfeiture at any such meeting, and by an order at such meeting or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

24. After such confirmation as aforesaid, it shall be lawful for the Directors to sell the forfeited share either by public auction or private contract; and if there be more than one such forfeited share, then either separately or together as to them shall seem meet; and any shareholder may purchase any forfeited share so sold.

25. A declaration in writing by some creditable person, not interested in the matter, made before any Justice, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated; and such declaration, and the receipt of the Treasurer of the Company for the price of such share, shall constitute a

good title to such share; and a certificate of proprietorship shall be delivered to such person, and thereupon he shall be deemed the holder of such shares, discharged from all calls due prior to such purchase; and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

26. The Company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest and expenses attending such sale and declaration of forfeiture; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall on demand be paid to the defaulter.

No more shares to be sold than sufficient for payment of calls.

27. If payment of such arrears of calls, and interest, and expenses, be made before any share so forfeited and vested in the Company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture in such manner as if such calls had been duly paid.

On payment of calls before sale forfeited shares to revert.

28. The first general meeting of the shareholders shall be held within four months after the passing of this Act, and the future general meetings shall be held at such periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings," and all meetings, whether ordinary or extraordinary, shall be held at some place to be appointed by the Directors.

Ordinary meetings, when to be held.

29. No matters, except such as are appointed by this Act to be done at an ordinary meeting, shall be transacted at such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

Business at ordinary meetings.

30. Every general meeting of the shareholders, others than an ordinary meeting, shall be called an "Extraordinary Meeting," and such meeting may be convened by the Directors at such time as they think fit.

Extraordinary meetings.

31. No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall be convened.

Business at extraordinary meetings.

32. It shall be lawful for twenty or more shareholders, holding in the aggregate not less than two hundred shares of the capital of the said Company, by writing, under their hands, at any time to require the Directors to call an extraordinary meeting of the Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the Company, or given to at least three Directors, and forthwith upon the receipt of such requisition, the Directors shall convene a meeting of the shareholders, and if for twenty-one days after such notice the Directors fail to call such meeting, the said number of shareholders, qualified as aforesaid, may call such meeting by giving fourteen days' public notice thereof.

Extraordinary meetings may be required by shareholders.

33. Fourteen days' public notice, at the least, of all meetings, whether ordinary or extraordinary, shall be given by advertisement, which shall specify the place, the day, and the hour of meeting; and every notice of an extraordinary meeting, or of an ordinary meeting, if any other business than the business by this Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called.

Notice of meetings.

34. At every meeting of the Company some one of the Directors of the Company, to be chosen for that purpose by the meeting, or in the absence of all the Directors, any shareholder, to be chosen for that purpose by a majority of the shareholders present at such meeting, shall preside as Chairman.

Chairman at general meetings.

35. The shareholders present at any such meeting shall proceed in

No. 365.
28 April 1854.

Business at meetings,
and adjournments.

the execution of the powers of the Company, with respect to the matters for which such meeting shall have been announced, and those only; and every such meeting may be adjourned from time to time and from place to place, and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

Votes of shareholders.

36. At all general meetings of the Company, every shareholder shall be entitled to one vote for every share up to ten, and he shall have an additional vote for every five shares beyond the first ten shares held by him up to one hundred, and an additional vote for every ten shares held by him beyond the first hundred shares, provided always that no shareholder shall be entitled to vote at any meeting unless he shall have paid up all the calls then due upon the shares held by him.

Manner of voting.

37. The votes may be given either personally or by proxies, being shareholders authorized by writing under the hands of the shareholder nominating such proxy, and every proposition at such meeting shall be determined by the majority of votes of the parties present, including proxies, the Chairman of the meeting being entitled to vote, not only as a principal and proxy, but to have a casting vote, if there be an equality of votes.

Regulation with
proxies.

38. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the Secretary of the Company at least forty-eight hours before the time appointed for holding the meeting at which such proxy is used.

Votes of joint
shareholders.

39. If several persons be jointly entitled to a share, the person whose name stands first in the Register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any such meeting, be deemed the sole proprietor thereof, and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Election of Directors.

40. At the first general meeting after the passing of this Act, the shareholders present personally or by proxy shall elect five Directors, and at the first ordinary meeting, to be held every year thereafter, the shareholders present personally or by proxy shall elect persons to supply the places of the Directors then retiring from office, agreeably to the provisions hereinafter contained; and the several persons elected at such meeting, being neither removed, nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their stead as hereinafter mentioned: Provided, nevertheless, that the number of Directors may be added to at any year by the general meeting of the Company.

Existing Directors
continued on failure
of meeting for election
of Directors.

41. That at any meeting at which an election of Directors shall be made, the existing Directors shall continue to act and retain their powers until new Directors be appointed at the first ordinary meeting of the following year.

Qualification of
Directors.

42. No person shall be capable of being a Director unless he be a shareholder, nor unless he be possessed of forty shares; and no person holding an office or place of trust or profit under the Company, or interested in any contract with the Company, shall be capable of being a Director; and no Director shall be capable of accepting any office or place of trust or profit under the Company during the time he shall be a Director.

Rotation of Directors.

43. At the first ordinary meeting in every year, two-fifths of the Directors, to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office, and their places shall be supplied by the election of an equal number by the shareholders personally present, or by proxy, at such meeting; nevertheless, every Director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall be considered a new Director.

Supply of occasional
vacancies in office
of Directors.

44. If any Director die, or resign, or become disqualified or incompetent to act as a Director, or cease to be a Director by any other cause

than that of going out of office by rotation as aforesaid, the remaining Directors, if they think proper so to do, may elect in his place some other shareholder duly qualified to be a Director; and the shareholder so elected to fill up any such vacancy shall continue in office as a Director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

45. The Directors shall have the management and superintendence of the affairs of the Company, and they may lawfully exercise all the powers of the Company, except as to such matters as are directed by this Act to be transacted by a general meeting, and the exercise of all such powers shall be subject to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the Directors prior to any resolution passed by such general meeting.

Powers of the Company to be exercised by the Directors.

46. The following powers of the Company (that is to say), the choice and removal of Directors, except as hereinbefore provided—the determination as to the remuneration of the Directors—the determination as to the augmentation of capital, or as to the amount of money to be borrowed on mortgage—and the declaration of dividends, shall be exercised only by a general meeting of the Company.

Powers of the Company not to be exercised by the Directors.

47. The Directors shall hold meetings at such times as they shall appoint for the purpose, and they shall meet and adjourn as they think proper from time to time and from place to place; and at any time any two of the Directors may require the Secretary to call a meeting; and in order to constitute a meeting there shall be present a majority of the Directors, and all questions at any such meeting shall be determined by the majority of votes of the Directors present, and in case of an equal division of votes, the Chairman shall have a casting vote in addition to his vote as one of the Directors.

Meetings of Directors.

48. The power of the Directors to make contracts on behalf of the Company may lawfully be exercised as follows (that is to say):—With respect to any contract which, if made between private persons, would be by law required to be in writing and under seal, the Directors may make such contract on behalf of the Company, in writing, and under the common seal of the Company, and in the same manner may vary or discharge the same. With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then the Directors may make such contract on behalf of the Company, in writing, signed by any two of the Directors, and in the same manner may vary or discharge the same. With respect to any contract which, if made between private persons, would be by law be valid, although made by parol only, and not reduced into writing, the Directors may make such contract on behalf of the Company by parol only, without writing, and in the same manner may vary or discharge the same. And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company, and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be; and on any default in the execution of any such contract, either by the Company or any party thereto, such actions or suits may be brought either by or against the Company as might be brought had the same contracts been made between private persons only.

Contracts by the Directors, how to be entered into.

49. The Directors shall cause notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by the Directors, and of the orders and proceedings of all meetings of the Company, and of the Directors, and Committees of Directors, to be duly entered in books to be from time to time provided for the purpose, which shall be kept under the superintendence of the Directors; and every such entry shall be signed by the Chairman of such meeting; and every such entry so signed shall be received as evidence in all Courts, and before all Judges, Justices, and others, without proof of such respective

Proceedings to be entered in a book, and to be evidence.

No. 245.
23 April 1854.

Informalities in
appointment of
Directors not to in-
validate proceedings.

Directors not to be
personally liable.

Election and qualifica-
tion of auditors.

Rotation of auditors.

Failure of meeting to
elect auditors.

Balance-sheet to be
delivered by Directors
to auditors.

Duty of auditors.

Powers of auditors.

meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders, or Directors, or Members of Committee respectively, or of the signature of the Chairman, or of the fact of his having been Chairman—all of which last-mentioned matters shall be presumed until the contrary be proved.

50. All acts done by any meeting of the Directors, or a Committee of Directors, or by any person acting as a Director, shall, notwithstanding it may afterwards be discovered that there was some defect in the appointment of any such Directors, or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed, and was qualified to be a Director.

51. No Director, by being a party to, or executing in his capacity of Director, any contract or other instrument on behalf of the Company, or otherwise lawfully executing any of the powers given to the Directors, shall be subject to be sued or prosecuted either individually or collectively by any person whomsoever; and the bodies, or goods, or lands of the Directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as Directors; and the Directors, their heirs, executors, and administrators shall be indemnified out of the capital of the Company for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the Directors for the time being of the Company may apply the existing funds and capital of the Company for the purposes of such indemnity, and may, if necessary for that purpose, make calls for the capital remaining unpaid.

52. The Company shall at the first ordinary meeting after the passing of this Act, elect two auditors in the manner as is prescribed for the election of Directors; and at the first ordinary meeting of the Company, in each year thereafter, the Company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter contained; and every auditor elected as hereinbefore provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead; and every auditor shall have at least five shares in the undertaking; and he shall not hold any office in the Company, nor be in any other manner interested in its concerns, except as a shareholder.

53. One of such auditors (to be determined in the first instance by ballot between themselves unless they shall otherwise agree and afterwards by seniority) shall go out of office at the first ordinary meeting in each year; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall with respect to the going out of office by rotation be deemed a new auditor.

54. The provision of this Act respecting the failure of an ordinary meeting at which Directors ought to be chosen shall apply, *mutatis mutandis*, to any ordinary meeting at which an auditor ought to be appointed.

55. The Directors shall deliver to such auditors the yearly accounts and balance-sheet, fourteen days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders as hereinafter provided.

56. It shall be the duty of such auditors to receive from the Directors the yearly or other periodical accounts and balance-sheet required to be presented to the shareholders, and to examine the same.

57. It shall be lawful for the auditors to employ such accountants and other persons as they may think proper at the expense of the Company, and they shall either make a special report with said accounts, or

simply confirm the same, and such report or confirmation shall be read together with the report of the Directors at the ordinary meeting.

58. The Directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the Company by the Directors and all persons employed by or under them, and of all matters and things for which such sums of money shall have been received or disbursed and paid.

No. 265.
28 April 1854.
Accounts to be kept.

59. The books of the Company shall be balanced yearly: and forthwith on the books being balanced an exact balance-sheet be made up, which shall exhibit a true statement of the capital stock, credits, and property of every description belonging to the Company, and the debts due by the Company at the date of making such balance-sheet, and a distinct view of the profit or loss which shall have arisen in the transactions of the Company in the course of the preceding half-year; and previously to the next ordinary meeting such balance-sheet shall be examined by the Directors or any three of their number and shall be signed by the chairman.

Books to be balanced.

60. The books so balanced, together with such balance-sheet as aforesaid, shall for fourteen days previously to the next ordinary meeting, and for a month thereafter, be open for the inspection of the shareholders at the principal office or place of business of the Company; but the shareholders shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by three of the Directors.

Inspection of accounts by shareholders at stated times.

61. The Directors shall produce to the shareholders assembled at such ordinary meeting the said balance-sheet applicable to the period immediately preceding such meeting, together with the report of the auditors thereon, as hereinbefore provided.

Balance sheet to be produced.

62. Previously to every ordinary meeting at which a dividend is intended to be declared the Directors shall cause a scheme to be prepared showing the profits, if any, of the Company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

Previously to declaration of dividends a scheme to be prepared.

63. The Company shall not make any dividend whereby their capital stock will be in any degree reduced.

Dividend not to be made out of the capital.

64. Before apportioning the profits to be divided amongst the shareholders the Directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

Power to Directors to set apart a fund for contingencies.

65. No dividend shall be paid in respect of any share until all calls then due in respect of that and every other share held by the person to whom such dividend may be payable shall have been paid.

Dividend not to be paid until calls be paid.

66. It shall be lawful for the Company from time to time to make such bye-laws as they think fit for the purpose of regulating the conduct of the officers and servants of the Company, and for providing for the due management of the affairs of the Company in all respects whatsoever, and from time to time to alter or repeal any such bye-laws and make others, provided such bye-laws be not repugnant to the laws of this Island or to the provisions of this Act; and such bye-laws shall be reduced into writing and shall have affixed thereto the common seal of the Company, and a copy of such bye-laws shall be given to every officer and servant of the Company affected thereby.

Power to make bye-laws.

67. It shall be lawful for the Company by such bye-laws to impose such reasonable penalties upon all persons, being officers or servants of the Company, offending against such bye-laws, as the Company shall

Penalties may be imposed by bye-laws.

No. 265.
28 April 1854.

Copy of bye-laws,
with seal of company,
evidence thereof.

This Act to be deemed
a public Act.

think fit, not exceeding Five Pounds for any one offence, to be recovered before a Justice of the Peace as servants' wages; such bye-laws to be so framed as to allow the Justice before whom the penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such Justice shall think fit.

68. The production of a written or printed copy of the bye-laws of the Company having the common seal of the Company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

69. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices and others, without specially pleading the same.

SCHEDULE (A.)

Form of Certificate of Share:—

The Barbados Central Sugar Manufactory and Model Farm Company.
Number

Certificate of share.

This is to certify that A. B. is the proprietor of the share number of "The Barbados Central Sugar Manufactory and Model Farm Company," subject to the regulations of the said Company.

Given under the common seal of the said Company the day
of , in the year of our Lord

No. 266.

No. 266.
10 May 1854.

10 May 1854.]—AN ACT to alter the mode of publishing the Acts of this Island.

[Clause 4 repeals former Act.]

Preamble.

WHEREAS it is expedient to make provision for the better publishing of the Acts of this Island: Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Secretary to furnish
printer with copies of
Acts within ten days,
and printer to publish
same in ten days.

1. Whenever any Act shall be passed by the Legislature of this Island, the Secretary of this Island shall, and he is hereby required within ten days after the passing thereof, to furnish, or cause to be furnished, a copy of such Act to the public printer, who shall, within ten days after he shall have received the same from the said Secretary, print and publish, or cause to be printed and published, such Act in the Official Gazette, and such publication shall be deemed a sufficient publication of such Act for all purposes.

Penalty on Secretary
and printer for
neglect.

2. If the Secretary of the Island shall neglect or omit to furnish the printer with such copy within the time aforesaid, he shall forfeit the sum of Five Pounds; and if the public printer shall neglect or omit to print and publish such Act in the manner hereinbefore directed within ten days after the receipt of the same from the Secretary, he shall forfeit the sum of Five Pounds, such forfeitures to be to her Majesty, her heirs and successors, for the public use of this Island, to be recovered in a summary manner before a Police Magistrate of the city of Bridge-Town, as in the case of servants' wages.

Printer within two
days after publication
to furnish Secretary
with copies for the
Vestries, and Secretary
within two days
to cause same to be
delivered to rectors.

3. The public printer shall, within two days after the publication of every Act, furnish to the Secretary of the Island such number of copies thereof as shall be required for the use of the several Vestries of the Island, and the said Secretary shall, within two days next after, cause one of the said copies to be delivered to the rector of each parish for the use of the Vestry of the parish. and to be preserved amongst the records of the parish; and should default be made herein, the said public printer or the Secretary shall be subject to a penalty of Five Pounds, to be recovered and applied as aforesaid.

Penalty for neglect.

No. 267.

No. 267.
17 May 1854.

17 May 1854.]—AN ACT relating to the Town-Hall Commissioners.

WHEREAS by an Act passed on the Fifth day of April, One thousand seven hundred and forty-eight, three Members of her Majesty's Council and five Members of the General Assembly were appointed Commissioners for repairing the Town-Hall and common gaol, and for making the mole-head, channels, wharfs, and landing-places at the port of Bridge-Town as commodious as possible, and provision was therein made for supplying vacancies of the said Commissioners. And whereas the present Commissioners of the Town-Hall are the Honourable Robert John Walcott, the Honourable Francis Goding, and the Honourable Nathaniel Foderingham, of the Council, and Horatio Nelson Springer, the Honourable John Sealy, the Honourable Charles Packer, Nathaniel Forte, and Joseph Alleyne Haynes, esquires, of the Assembly: And, whereas it is expedient to repeal the said Act, but to continue the said Commissioners: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The said Commissioners shall continue to act as Commissioners for the repairs of the Town-Hall, and they or any three of them shall be a Committee, fully authorized and empowered from time to time to cause all necessary repairs to be done to the Town-Hall and to complete the Glendairy Prison, and from time to time to cause all necessary repairs to be made thereto at the public expense.

2. And in order that there may be a succession of Commissioners, the President of her Majesty's Council and the Speaker of the House of Assembly are hereby respectively authorized to fill up from their respective bodies any vacancy or vacancies which may occur amongst the said Commissioners, and such Commissioners shall always have full power and authority to order, direct, and cause to be made, from time to time, all necessary, convenient, and proper repairs to the Town-Hall and Glendairy Prison. And the power of appointing a clerk at a salary of twenty-five pounds per annum is hereby reserved and continued to the said Commissioners, such salary to be paid quarterly from the Public Treasury on the warrants of the Governor in Council.

3. Repeals Act of 5th April, 1748.

No. 268.

No. 268.
24 May 1854.

24 May 1854.]—AN ACT to substitute in certain Cases other Punishment in lieu of Transportation.

[Clause 10 repealed.]

WHEREAS by reason of the difficulty of transporting offenders beyond the seas, it has become expedient to substitute in certain cases other punishment in lieu of transportation: Be it enacted by the Governor, Council, and General Assembly of this Island, and by the authority of the same, That—

1. After the commencement of this Act no person shall be sentenced to transportation who, if this Act had not been passed, would not have been liable to be transported for life, or for a term of fourteen years or upwards; and no person shall be sentenced to transportation for any term less than fourteen years.

2. Any person who, if this Act had not been passed, might have been sentenced to transportation for a term of less than fourteen years, shall be liable, at the discretion of the Court, to be kept in penal servitude for such term as hereinafter mentioned.

3. Any person who, if this Act had not been passed, might have been sentenced to transportation for a term of fourteen years or upwards, or for life, shall after the commencement of this Act, be liable, at the

discretion of the Court, to be sentenced either to such transportation for fourteen years or upwards, or for life, or to be kept in penal servitude for such term as, under this Act, may be awarded instead of such transportation.

4. The terms of penal servitude to be awarded instead of the transportation to which any offender would have been liable if this Act had not been passed shall be as follows, that is to say,—

Instead of transportation for seven years, or for a term not exceeding seven years, penal servitude for the term of four years.

Instead of any term of transportation exceeding seven years and not exceeding ten years, penal servitude for any term not less than four and not exceeding six years.

Instead of any term of transportation exceeding ten years and not exceeding fifteen years, penal servitude for any term not less than six and not exceeding eight years.

Instead of any term of transportation exceeding fifteen years, penal servitude for any term not less than six and not exceeding ten years.

Instead of transportation for the term of life, penal servitude for the term of life; and in every case where, at the discretion of the Court, one of any two or more of the terms of transportation hereinbefore mentioned might have been awarded, the Court shall have the like discretion to award one of the two or more terms of penal servitude hereinbefore mentioned in relation to such terms of transportation.

5. Whenever the Governor for the time being shall be pleased to extend mercy to any offender convicted of any offence for which he may be liable to the punishment of death, upon the condition of his being kept to penal servitude for any term of years or for life, such intention of mercy shall have the same effect and may be signified in the same manner, and all Courts, Justices, and others shall give effect thereto, and to the condition of the pardon in like manner as in the cases where the Governor for the time being is now pleased to extend mercy upon condition of transportation beyond the seas, the order for the execution of such punishment as the Governor for the time being may have made the condition of his mercy being substituted for the order for transportation.

6. Every person who under this Act shall be sentenced or ordered to be kept in penal servitude may, during the term of the sentence or order, be confined in any such prison or place of confinement in any part of this Island in which persons under sentence of imprisonment may now by law be confined; and such person may during such term be kept to hard labour and otherwise dealt with in all respects as persons sentenced to imprisonment may now by law be dealt with while so confined.

7. It shall be lawful for the Governor, by an order in writing under his hand and seal, to grant to any convict now under sentence of transportation, or who may hereafter be sentenced to transportation, or to any punishment substituted for transportation by this Act, whose conduct shall have been good, and who shall have undergone at least two-thirds of his or her sentence, where such sentence shall be for a definite period of years, and in any case where the sentence shall be for the term of life, who shall have undergone at least ten years of such sentence, a licence to be at large in this Island, or in any part thereof as in such licence shall be expressed, during such portion of his or her term of transportation or imprisonment, and upon such conditions in all respects as to the Governor shall seem fit; and it shall be lawful for the Governor to revoke or alter such licence by a like order at his Excellency's pleasure.

8. So long as such licence shall continue in force and unrevoked, such convict shall not be liable to be imprisoned or transported by reason

of his or her sentence, but shall be allowed to go and remain at large according to the term of such licence.

9. Provided always, that if it should please the Governor to revoke any such licence as aforesaid, it shall be lawful for him, by warrant under his hand and seal, to signify to any of the Police Magistrates of this Island that such licence has been revoked, and to require such Magistrate to issue his warrant under his hand and seal for the apprehension of the convict to whom such licence was granted, and such Magistrate shall issue his warrant accordingly, and such warrant shall and may be executed by the constable to whom the same shall be delivered for that purpose in any part of this Island, and shall have the same force and effect in all this Island as if the same had been originally issued or subsequently indorsed by a Justice of the Peace or Police Magistrate, or other lawful authority having jurisdiction in the place where the same shall be executed; and such convict, when apprehended under such warrant, shall be brought, as soon as he conveniently may be, before the Magistrate by whom the said warrant shall have been issued, or some other Magistrate of the same Court, and such Magistrate shall thereupon make out his warrant under his hand and seal for the recommitment of such convict to the prison or place of confinement from which he was released by virtue of the said licence, and such convict shall be so recommitted accordingly, and shall thereupon be remitted to his or her original sentence, and shall undergo the residue thereof, as if no such licence had been granted.

11. Provided always, that nothing in this Act contained shall in any manner affect her Majesty's royal prerogative of mercy, or any prerogative of mercy vested in the Governor of this Island for the time being.

12. Provided also, that nothing herein contained shall interfere with or affect the authority or discretion of any Court in respect of any punishment which such Court may now award or pass on any offender other than transportation, but where such other punishment may be awarded at the discretion of the Court instead of transportation or in addition thereto, the same be awarded instead of or (as the case may be) in addition to the punishment substituted for transportation under this Act.

13. This Act shall commence from and after the First day of August One thousand eight hundred and fifty-four.

No. 269.

24 May 1854.]—AN ACT for the amendment of the Law of Inheritance.

No. 269.
24 May 1854.

WHEREAS an Act passed in the session of Parliament held in the third and fourth years of the reign of his late Majesty King William the Fourth, entitled "An Act for the amendment of the Law of Inheritance," and whereas it is expedient that the same amendment of the law of inheritance, should be made in this Island: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows (that is to say), the word "Land" shall extend to messuages, and all other hereditaments, whether corporeal or incorporeal, and whether freehold or of any other tenure, and to money to be laid out in the purchase of land, and to chattels and other personal property transmissible to heirs, and to any share of the same hereditaments and properties or any of them, and to any estate of inheritance, or estate for any life or lives, or other

Preamble.
Meaning of words in the Act.

"Land."

No. 269.
24 May 1854.

"The purchaser."

"Descent."

"Descendants."

"Person last entitled."

"Assurance."

Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved.

Heir entitled under a will shall take as devisee, and a limitation to the grantor or his heirs, shall create an estate by purchase.

Where heirs take by purchase under limitations to the heirs of their ancestor, the land shall descend as if the ancestor had been the purchaser.

Brothers, &c., shall trace descent through their parent.

Lineal ancestor to be heir in preference to collateral persons claiming through him.

estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "The purchaser" shall mean the person who last acquired the land otherwise than by descent or than by any escheat, partition, or inclosure, by the effect of which the land shall have become part of or descendible in the manner as other land acquired by descent; and the word "Descent" shall mean the title to inherit land by reason of consanguinity as well as where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue; and the expression "Descendants" of any ancestor shall extend to all persons who must trace their descent through such ancestor; and the expression "The person last entitled to land," shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof; and the word "Assurance" shall mean any deed or instrument (other than a will) by which any land shall be conveyed or transferred at law or in equity; and every word importing the singular number only, shall extend and be applied to several persons and things as well as to one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

2. In every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser; unless it shall be proved that he inherited the same; and in like manner the last person from whom the land shall be proved to have been inherited, shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same.

3. When any land shall have been devised by any testator, who shall die after the passing of this Act, to the heir or to the person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee and not by descent; and when any land shall have been limited by any assurance executed after the passing of this Act, to the person or to the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

4. When any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an assurance executed after the passing of this Act, or under a limitation to the heirs or to the heirs of the body of any of his ancestors, or under any limitation having the same effect, contained in the will of any testator who shall depart this life after the passing of this Act, then and in any of such cases such land shall descend, and the descent shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

5. No brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

6. Every lineal ancestor shall be capable of being heir to any of his issue; and in every case where there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of there being no descendant of such lineal ancestor, so that the father shall be preferred to a brother

Authorizing Purchase of Land for Cholera Burial-Ground. 463

or sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

7. None of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed, and also that no female paternal ancestor of such person nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed, and that no female maternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

No. 269.
24 May 1854.

The male line to be preferred.

8. Where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestor, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there shall be a failure of male maternal ancestors of such person and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male maternal ancestor and her descendants.

The mother of more remote male ancestor to be preferred to the mother of the less remote male ancestor.

9. Any person related to the person from whom the descent is to be traced by the half-blood, shall be capable of being his heir; and the place in which any such relation by the half-blood shall stand in the order of inheritance so as to be entitled to inherit, shall be next after any relation in the same degree of the whole-blood, and his issue, where the common ancestor shall be a male, and next after the common ancestor where such common ancestor shall be a female, so that the brother of the half-blood on the part of the father shall inherit next after the sisters of the whole-blood on the part of the father and their issue, and the brother of the half-blood on the part of the mother shall inherit next after the mother.

Half-blood if on the part of a male ancestor, to inherit after the whole-blood of the same degree, if on the part of a female ancestor after her.

10. When the person from whom the descent of any land is to be traced shall have had any relation who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation, if he had not been attainted, unless such land shall have escheated in consequence of such attainder before the passing of this Act.

After the death of a person attainted his descendants may inherit.

No. 270.

18 October 1854.]—AN ACT to authorize the Purchase of a certain piece of Land as a Cholera Burial-Ground.

No. 270.
18 October 1854.

WHEREAS, during the late prevalence of epidemic cholera, the Sanitary Commissioners of the parish of Saint Michael, from the extreme urgency of the case, were compelled to make use of a piece of land called Indian River, in the said parish bounding on the sea, as a burial-ground for persons dying of cholera: And whereas the said Commissioners have agreed to purchase the said piece of land at the rate of one hundred and twenty-five pounds per acre, the same containing three acres, one rood, and eleven perches of land: And whereas it is expedient that the said Commissioners be authorized to complete the purchase of the said piece of land: And whereas one Susan Boyle is entitled to the said piece of land for her life, and at her decease the same is divisible amongst her children, some of whom are at present under age: And whereas it is the wish of the parties interested in the said land that a portion of the purchase-money should be applied to the purchase of a piece of land and the erection of a small house to be conveyed to the same uses as the said piece of land taken for the burial-ground, and that the balance of the purchase-money should be kept at interest during the life of the said

The Sanitary Commissioners of St. Michael having been compelled during the prevalence of cholera to take possession of a piece of land called Indian River under certain conditions—

No. 270.
18 October 1854.

They are authorized to complete the purchase of the said land and to have it conveyed as a cholera burial-ground.

The Governor and Council, on the certificate of the said Commissioners that they have completed the purchase of the said land, to issue a warrant for such portion of the purchase-money as shall be agreed to.

The balance of the purchase-money to be a charge on the revenue and interest to be paid.

The Sanitary Commissioners authorized to sell any portion of the said land which may be unfit for a burial-ground. The Sanitary Commissioners, &c., indemnified for taking possession of the said land, &c.

Not to interfere with the rights of her Majesty.

Susan Boyle, and the interest thereof paid to her during her life, and the principal amount at her decease paid to such of her children as shall be entitled thereto: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The Sanitary Commissioners of the parish of Saint Michael, or a sufficient board of them, are hereby authorized and empowered to complete the purchase of the said piece of land at the price aforesaid, allowing interest on the purchase-money from the time possession of the same was taken by the Sanitary Commissioners, and have the same conveyed in such manner as to them may seem most advisable, in order that the said piece of land shall be used as a burial-ground for persons dying of cholera, and for no other purpose, provided, nevertheless, that no grave in the said land shall ever be re-opened.

2. When and so soon as the said Sanitary Commissioners, or a sufficient board of them, shall certify to the Governor in Council that they have completed the purchase of the said land, a warrant shall be issued in the usual form to the Treasurer of the Island, requiring him to pay to the order of the said Sanitary Commissioners, or a board of them, such portion of the purchase-money as shall have been agreed to be applied in the purchase of another piece of land, and the erection of a small house thereon, to be conveyed to the same uses as the piece of land taken as a burial-ground now stands conveyed.

3. The balance of the purchase-money shall be a charge on the public revenue of the Island, and interest thereon allowed to the said Susan Boyle and her assigns during her natural life, and paid quarterly, and be computed from the day possession was taken of the said piece of land, which interest the Treasurer of the Island is hereby directed to pay to the said Susan Boyle and her assigns quarterly, and at her decease the principal shall be paid to such of her children or other person or persons as shall be entitled thereto by warrant of the Governor in Council on the said Treasurer.

4. Provided always, if there shall be any portion of the said land unfit for a burial-ground, the said Commissioners or any board of them are hereby authorized to sell such portion and to receive the purchase-money for the same, and pay over such purchase-money to the Treasurer of the Island for the public uses of the Island.

5. The Sanitary Commissioners, and all other persons acting under their directions, are hereby indemnified and protected against all necessary acts done in the taking possession of the said piece of land, and causing the same to be used as a cholera burial-ground, and no action or other proceeding shall be maintainable against the said Sanitary Commissioners, or any or either of them, or against any other person or persons who shall have acted under their directions in the performance of such acts.

6. Provided that nothing in this Act contained shall extend or be construed to extend to or affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons whomsoever, except such as are hereinbefore mentioned and those claiming by, from, or under them.

No. 271.
14 November 1854.
See Act 27 December 1860.

The Parochial Treasurer of St. Michael having declined to act as clerk to the

No. 271.

14 November 1854.]—AN ACT to grant a Salary to the Clerk of the Commissioners of Roads for the rural portion of Saint Michael, and to provide an Office for him.

WHEREAS the Parochial Treasurer of the Parish of Saint Michael hath declined to act as Clerk and Collector to the Commissioners of roads for the rural portion of the said parish, and the Commissioners have found it very difficult to obtain a responsible person to collect the rates, and also

to act as clerk for the commission allowed under the recent Road Act; it is deemed advisable to permit the Commissioners to pay the clerk of their board for his services a certain sum out of the funds at their disposal: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That the Commissioners of roads for the rural portion of the parish of Saint Michael are hereby authorized to pay a salary not exceeding twenty-five pounds per annum to the clerk of their board out of the funds at their disposal, and to provide a proper office for him at such rent as they may deem fair and advisable.

No. 271.
14 November 1854.

Commissioners of Roads for the rural part of the parish, the Commissioners are authorized to pay a salary not exceeding 25*l.* per annum to their clerk out of the funds at their disposal, and to provide an office for him.

No. 272.

3 January 1855.]—AN ACT to amend the Act authorizing the Conditional Discharge of, and the granting of Tickets-of-Leave to, Convicts—1850.

No. 272.
3 January 1855.

WHEREAS, by the first clause of the recited Act, power is given to the Governor to direct that the conditional discharge of, and to grant to such persons as having been convicted of any offence, and been sentenced to be imprisoned with or without hard labour, shall, from good conduct or from any other proper cause, before the expiration of the period for which they were sentenced, seem to the Governor to be deserving thereof, permission to employ themselves for their own benefit, which permission to be called a ticket-of-leave; but not to be granted to any person until such person shall have suffered three-fourths of the period of imprisonment to which he or she shall have been originally sentenced: And whereas, by the seventh clause of another Act passed the Twenty-fourth of May, One thousand eight hundred and fifty-four, for substituting in certain cases other punishments in lieu of transportation, power is given to the Governor to grant to any convict subject to that Act a licence to be at large in this Island if such convict shall have undergone at least two-thirds of his or her sentence: And whereas it is deemed expedient to make the condition on which tickets-of-leave may be granted under the first recited Act the same as that prescribed in the last recited Act: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That instead of its being hereafter required that any person subject to the first recited Act, being required to suffer three-fourths of the period of imprisonment to which he or she shall have been originally sentenced before it shall be lawful to grant to him or her a ticket-of-leave to be at large within this Island, such person shall only be required to suffer two-thirds of such sentence of imprisonment.

The Governor may grant Tickets-of-leave under the Act of 1850 to prisoners who have undergone two-thirds of their sentence, instead of as formerly three-fourths.

No. 273.

6 January 1855.]—AN ACT to regulate the Sale of Sugar-Cane.

No. 273.
6 January 1855.

WHEREAS great complaints are made of the robberies committed on the growing sugar-cane, owing to the want of proper regulation to check the illicit traffic which is carried on by persons engaged in the sale of the article; and it is deemed expedient to require such persons to take out a licence for selling sugar-cane: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. It shall not be lawful for any person from and after the passing of this Act to be engaged in the sale of sugar-cane, unless such person shall previously take out a licence for that purpose from the Treasurer of the Island, which licence the Treasurer shall not grant until the person applying for the same shall produce to him such a certificate of character as is required by the first clause of the Hawkers' and Pedlars' Act, which

Persons selling sugar-cane to take out a licence.

No. 273.
6 January 1855.

Penalty.

To be subject to same regulations as hawkers and pedlars.

Certificate to be obtained and produced of quantities procured for sale.

Penalty.

passed the Seventeenth of August, One thousand eight hundred and thirty-six, and for which licence the sum of one shilling shall be paid to the Treasurer for the uses of the public, and the same shall be in force one year. Any person engaged in the sale of sugar-cane without having taken out such a licence shall forfeit a sum not exceeding Twenty Shillings, to be recovered in a summary manner, as in the case of servants' wages, a moiety thereof to be paid to the informer, and the other moiety into the Public Treasury: But this Act is not to extend to any person who may on his own premises sell sugar-cane grown by himself on said premises.

2. The third, sixth, and seventh clauses of the said Hawkers' and Pedlars' Act shall apply to this Act, the words "of a person selling sugar-cane" being substituted for hawker and pedlar; and the persons selling sugar-cane shall be liable to be punished for the offences therein set forth in the same manner as hawkers and pedlars are therein made punishable.

3. Every person purchasing or otherwise receiving sugar-cane for the purpose of being disposed of by licence under the authority of this Act shall obtain a certificate in writing under the hand of the person from whom such sugar-cane may have been purchased or received, specifying the quantity so purchased or received, and which certificate shall be produced and shown to any Justice of the Peace, Police Magistrate, police officer or householder, when required, and if the person having in possession any sugar-cane for sale shall refuse to produce such certificate, such sugar-cane shall be deemed and taken to have been stolen, and the same, and also the person in possession thereof, shall be dealt with according to law: and any such person selling sugar-canes who shall refuse or neglect to give a certificate to the purchaser thereof, shall be liable to a penalty not exceeding Five Shillings, to be recovered as in the case of servants' wages, and paid into the Public Treasury.

No. 274.
7 February 1855.

See Act 14 April 1858.

No. 274.

7 February 1855.]—AN ACT to regulate the Licensing and Fares of Livery and Hackney Carriages.

WHEREAS the condition of livery and hackney carriages would be improved by placing them under proper regulations, and it is desirable that the fares to be taken for the use of same should be fixed by law: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

No livery or hackney carriage to be let to hire except under this Act.

How a licence for a livery or hackney carriage is to be obtained.

Carriages to be inspected periodically.

1. From and after the expiration of one month after the publication of this Act it shall not be lawful for any person to let to hire any livery or hackney carriage except in conformity with the provisions of this Act.

2. Any person desirous of obtaining a licence to keep, use, and let to hire any carriage, as a livery or hackney carriage must apply in writing to the Inspector-General of Police, in order that he may cause an inspection to be made of such carriage, and if the same shall be found by the said Inspector-General to be in a fit and proper condition for public use, he shall grant a certificate to that effect, and shall specify in such certificate the number of persons to be carried in and by such carriage in the form given in Schedule B to this Act annexed; and upon the production of such certificate to the Treasurer of the Island, a licence in writing shall be granted by the said Treasurer to keep, use, and let to hire, for twelve months next ensuing, the carriage mentioned in such certificate; and every such licence shall be numbered, and the description of the carriage, and the number of persons to be carried, shall be set forth in every such licence.

3. It shall be lawful for the said Inspector-General of Police to cause an inspection to be made once in every three months, or oftener if he

deem it necessary, of all licensed livery and hackney carriages, and of the horse or horses used in drawing the same: and if any such carriage, or the horse or horses used in drawing the same, shall at any time be in a condition unfit for public use, the said Inspector-General shall give notice in writing to the proprietor thereof in the form given in Schedule C to this Act annexed, which notice shall be personally served on such proprietor or delivered at his usual place of residence; and if after such notice any proprietor shall use or let to hire such carriage as a livery or hackney carriage, or use or let to hire such horse or horses whilst in a condition unfit for public use, the said Inspector-General shall have power to suspend, for such time as he may deem proper, the licence of the proprietor of such carriage.

4. The Inspector-General is hereby empowered to appoint some competent person to be inspector of carriages and horses under this Act.

An Inspector of Carriages to be appointed.
See 3rd Clause of Act 14 April 1858.
Penalty on letting carriages for hire without licence, or after being declared unfit.

5. Every proprietor of a livery or hackney carriage who, after the coming into operation of this Act, shall use or let the same to hire without having obtained a licence for that purpose as required by this Act, or who having obtained such licence shall, after notice given to him as hereinbefore directed by the said Inspector-General that such carriage was no longer in a fit and proper condition for public use, use or let the same to hire, shall be liable to a penalty not exceeding One Pound for each day that he shall so use or let to hire such carriage, or in default of payment to be imprisoned for any time not exceeding Three Months in the whole.

6. The proprietor or driver of any licensed livery or hackney carriage shall be entitled to demand and take for the hire of such carriage the fees set forth in the Schedule A to this Act annexed: Provided always, that when the proprietor or driver of any livery or hackney carriage to be paid a fare calculated according to the distance shall be required by the hirer thereof to stop such carriage for fifteen minutes or for any longer time, it shall be lawful for the proprietor or driver to demand and receive from the hirer so requiring him to stop, a further sum (above the fare to which he shall be entitled, calculated according to the distance) of sixpence for every fifteen minutes completed that he shall have been so stopped, and no proprietor or driver shall demand or receive over and above the said fare any sum for or by way of back fare for the return of such carriage, from the place at which such carriage shall be discharged.

Fares for hire.
This Schedule is repealed and another substituted by 7th Clause of Act of 14 April 1858.

7. The Treasurer of this Island shall cause the fares set forth in the said Schedule A to be distinctly printed on sheets of card in legible letters and figures, and shall furnish one of said cards with every licence granted under this Act to the proprietor of any livery or hackney carriage, such cards to be numbered to correspond with the licence, and the number of persons mentioned to be carried in and by the carriage as specified in the licence: and every such proprietor shall, under a penalty not exceeding Forty Shillings, have said card affixed on the inside of such carriage so as to be seen distinctly at all times by the persons travelling in such carriage, and shall have the number of every such hackney carriage legibly painted in black figures of one and a half inches on white circular ground of two and a half inches diameter on the back of such carriage: and the driver of any such carriage shall, if required by the hirer thereof, carry in and by such carriage the number of persons stated on the card or any less number of persons.

Tables of Fares to be carried by and exhibited in every carriage.

8. The driver of every livery or hackney carriage shall carry in or upon such carriage a reasonable quantity of luggage for every person hiring such carriage without any additional charge.

To carry reasonable baggage without extra charge.

9. The driver of every livery or hackney carriage wherein any property shall be left by any person shall within twenty-four hours carry such property, if not sooner claimed by the owner thereof, in the state in which he shall find the same, to the central police station in the city of Bridge-Town, and shall there deposit and leave the same with the superintendent

Property left in hackney carriages — how to be disposed of.

No. 274.
February 1855.

or other officer on duty, upon pain that every such driver making any default herein shall be liable to a penalty not exceeding Ten Pounds, or at the discretion of the magistrate to be imprisoned for any time not exceeding Three Months, and the superintendent or other officer with whom any such property shall be deposited shall forthwith enter into a book to be kept for that purpose, the description of such property, and name and address of the driver who brought the same, and the number of his carriage and the day on which it shall be brought; and the property so entered shall be returned to the person, who shall prove to the satisfaction of the Inspector-General of Police that the same belonged to him—such person previously paying all expenses incurred, together with such reasonable sum to the driver who brought the same, as the said Inspector-General shall award: and if such property shall not be claimed by and proved to belong to some person within three months after the same shall have been deposited as aforesaid, the said Inspector-General shall cause such property to be sold or otherwise disposed of, and the proceeds thereof to be paid over to the public Treasurer for the uses of the Island, all expenses incurred about such property, together with such reasonable sum to the driver who brought the same as the said Inspector-General shall award, being first paid thereout.

Penalties.

10. The proprietor, driver, or conductor of any livery or hackney carriage who shall respectively commit any of the following offences shall be liable to a penalty not exceeding Forty Shillings for each offence, or, in default of payment, to imprisonment for any time not exceeding One Month.

1. On demanding or taking more than the fare or refusal to carry proper number of persons or reasonable baggage.
2. On refusing to hire, or to drive to any place required, or at an improper speed.
3. On letting or plying for hire carriages or horses unfit for use.
1. Every proprietor or driver of a livery or hackney carriage who shall demand or take more than the proper fare as set forth in Schedule A to this Act annexed, or who shall refuse to admit and carry in his carriage the number of persons mentioned in the card furnished by the Treasurer of this Island, or specified in the certificate granted by the said Inspector-General of Police in respect of such carriage, or who shall refuse to carry by his carriage a reasonable quantity of luggage for any person hiring or intending to hire such carriage.
2. Every proprietor of a hackney carriage who shall refuse to hire such carriage to any person desiring to hire the same; and every driver of a livery or hackney carriage who shall refuse to drive such carriage to any place to which he shall be required to drive any person hiring or intending to hire such carriage, or who shall refuse to drive any such hackney carriage if so required by any person hiring or intending to hire such hackney carriage, or who shall not drive the same at a reasonable and proper speed, not less than four miles an hour, except in cases of unavoidable delay, or when required by the hirer thereof to drive at a slower pace shall not do so.
3. Every proprietor of a livery carriage who shall let to hire a carriage or any horse or horses which shall be at the time unfit for public use; and every driver of a hackney carriage who shall ply for hire with any carriage or horse which shall be at the time unfit for public use.

Penalty on other offences.

11. For every offence against the provisions of this Act for which no special provision is hereinbefore appointed, the offender shall be liable to a penalty not exceeding Forty Shillings, or, in default of payment, be imprisoned for any time not exceeding One Month.

Jurisdiction of the city magistrates under this Act.

12. It shall be lawful for any one of the police magistrates for the city of Bridge-Town to hear and determine all offences against the provisions of this Act, whether the same be committed within or without the limits of their jurisdiction, and also all disputes or causes of complaint that may arise out of the same. And the magistrate shall have and

exercise the like powers in relation thereto as in the recovery of servants' wages, and a moiety of every penalty recovered shall be to the use of the complainant, and the other moiety shall be paid over to the Treasurer for the uses of the Island.

13. It shall be the duty of the Commissioners of Highways for the city of Bridge-Town to fix and appoint stands for the hackney carriages plying for fares in some convenient places within the said city, and to report the same to the Inspector-General of Police, whose duty it will be by aid of the police to enforce conformity with the regulation.

No. 274.
7 February 1855.

Stands for the
carriages to be
fixed by Road
Commissioners.

SCHEDULE B.

(Certificate.)

B.

I do hereby certify, that on application of now living at I have caused the carriage known by the following marks or description [*here state marks or description by which the carriage may be identified*] to be inspected, which the said desires to use and let to hire as a [livery or hackney carriage], and I certify that the said carriage is in a fit and proper condition for public use, and that persons are to be carried thereby.

Form of Inspector-General's certificate of the fitness of a carriage for hire.

(Signed)

Inspector-General of Police.

SCHEDULE C.

(Certificate.)

C.

I do hereby certify that I have caused the carriage now used and let to hire as a [livery or hackney carriage], and known by the following marks (*here state marks or description by which the carriage may be identified*), to be inspected, and find the said carriage not to be in a fit and proper condition for public use [*here state the defect*]; and I do hereby suspend the licence granted to to keep and use the said carriage as a [*state whether a livery or hackney carriage*] until the defects are remedied.

Form of certificate of the unfitness of a carriage.

(Signed)

Inspector-General of Police.

No. 275.

No. 275.
10 February 1855.

10 February 1855.]—AN ACT to authorize the purchase of a certain piece of Land as a Cholera Burial-Ground for the District of Saint Stephen, in the Parish of Saint Michael.

WHEREAS, during the late prevalence of epidemic cholera, the Committee of Management of the Chapel of St. Stephen, in the District of Saint Stephen, in the parish of Saint Michael, acting under the sanction of the Sanitary Commissioners of the said parish of Saint Michael, were necessitated from the extreme urgency of the case to contract with John Gage Greenidge, who was possessed of lands within the said district, to purchase an acre thereof for the sum of sixty pounds as a burial-ground for persons dying of cholera: And whereas it is expedient that the said Commissioners be authorized to complete the purchase of the said piece of land: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The Sanitary Commissioners of the said parish of Saint Michael, or a sufficient Board of them, are hereby authorized and empowered to complete the purchase of the said piece of land, at the price aforesaid, allowing interest on the purchase-money from the time possession of the

The Sanitary Commissioners of St. Michael to purchase the acre of land used as a

No. 275.

10 February 1855.

cholera burial-ground, which is to be set apart for that purpose.

60*l.* with interest to be paid for the said land.

Indemnity to parties for having already used the same.

Reservation of the rights of the Crown, &c.

same was taken for the purposes aforesaid, and have the same conveyed in such manner as to them may seem most advisable, in order that the said piece of land shall be used as a burial-ground for persons dying of cholera, and for no other purpose, provided, nevertheless, that no grave in the said land shall ever be re-opened.

2. When and so soon as the said Sanitary Commissioners, or a sufficient Board of them, shall certify to the Governor in Council that they have completed the purchase of the said land, a warrant shall be issued in the usual form to the Treasurer of the Island, requiring him to pay to the said John Gage Greenidge or his order the said sum of sixty pounds with interest as aforesaid, and on payment of the said purchase-money the said piece of land shall stand vested for the purposes of this Act absolutely and for ever exonerated and discharged of all legal and equitable right and interest of all and every person and persons whomsoever, and of all charges, incumbrances, or demands affecting the same.

3. The aforesaid Sanitary Commissioners, the said Committee of Management of the said Chapel of St. Stephen, and all other persons acting under their directions, are hereby indemnified and protected against all necessary acts done in the taking possession of the said piece of land and causing the same to be used as a cholera burial-ground; and no action or other proceeding shall be maintainable against the said Sanitary Commissioners, the said Committee of Management, or any or either of them, or against any other person or persons who shall have acted under their directions in the performance of said Acts.

4. Provided that nothing in this Act contained shall extend or be construed to extend to or affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons whomsoever, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 276.

10 February 1855.

No. 276.

10 February 1855.]—AN ACT for Improving the Law of Evidence.

WHEREAS the inquiry after truth in courts of justice is often obstructed by incapacities and difficulties created by law, and it was deemed desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced and on the truth of their testimony: And whereas an Act was passed in this present session of the Legislature for improving the law of evidence: And whereas by reason of an error in the arrangement and numbering of the clauses of the said Act, doubts may arise as to the construction and meaning thereof in certain particulars; for remedy whereof it is deemed expedient to repeal the said Act and to re-enact the clauses thereof so arranged and numbered as to obviate such doubts: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. The Act passed on the Sixth of January, One thousand eight hundred and fifty-five, entitled an “Act for improving the Law of Evidence,” is hereby repealed.

2. On the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action, or other proceeding, in any court of justice, or before any person having by law, or by consent of parties, authority to hear, receive, and examine evidence, the parties thereto, and the person in whose behalf any such suit, action, or other proceeding may be brought or defended, and the husbands and wives of the parties thereto, and of the persons in whose behalf any such suit,

This Act repeals and re-enacts a similar Act passed in January, in which an error occurred in the numbering of the clauses.

Parties to a suit or interested therein, may be competent or compellable to give evidence.

action, or other proceeding may be brought or instituted, or opposed, or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *vidé voce*, or by deposition, according to the practice of the court, on behalf of either or any of the parties to the said suit, action, or other proceeding: Provided always, that nothing hereinbefore contained shall apply to any action, suit, proceeding, or bill in any court of common law, or in any ecclesiastical court, or before any other tribunal having jurisdiction in such matters, instituted in consequence of adultery, or to any action for breach of promise of marriage.

3. But nothing herein contained shall render any person, who in any criminal proceeding is charged with the commission of an indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

Persons charged with crime not competent nor compellable to give evidence in their own cases, nor husband for or against wife, nor wife for or against husband.

4. No husband shall be compellable to disclose any communication made to him by his wife during the marriage, and no wife shall be compellable to disclose any communication made to her by her husband during the marriage.

No husband nor wife compellable to disclose communication made by either during marriage.

5. If any person called as a witness, or required or desiring to make an affidavit or deposition, shall refuse or be unwilling from alleged conscientious motives to be sworn, it shall be lawful for the court or judge or other presiding officer or person qualified to take affidavits or depositions, upon being satisfied of the sincerity of such objection, to permit such person, instead of being sworn, to make his or her solemn affirmation or declaration in the words following, *videlicet*: I, A. B., do solemnly, sincerely, and truly affirm and declare, that the taking of any oath is, according to my religious belief, unlawful, and I do also solemnly, sincerely, and truly affirm and declare, &c.; which solemn affirmation and declaration shall be of the same force and effect as if such person had taken an oath in the usual form.

Affirmation to be substituted for oath in cases of persons refusing or being unwilling to be sworn.

6. If any person making such solemn affirmation or declaration shall wilfully, falsely, and corruptly affirm or declare any matter or thing which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same penalties as, by the laws and statutes of this Island, are or may be enacted or provided against persons convicted of wilful and corrupt perjury.

False affirmation in such cases to be treated as perjury.

7. Whenever any action or other legal proceeding shall henceforth be pending in the Court of Common Pleas in this Island, such Court or the Judge at Chambers may, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the control of such opposite party, relating to such action or other legal proceeding, and, if necessary, to take examined copies of the same in all cases in which previous to the passing of this Act a discovery might have been obtained by filing a bill, or by any other proceeding in a Court of equity at the instance of the party so making application as aforesaid, to the said Court or Judge.

Provision for enabling litigants to inspect and take copies of documents in custody of opposite party.

8. And whereas it is expedient as far as possible to reduce the expenses attendant upon the proof of criminal proceedings: Be it enacted, That whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified or purport to be certified under the hand of the Clerk of the Court or other officer having the custody of the records of the Court where such conviction or acquittal took place, or by the

Certificates in proof of criminal proceedings, how to be made.

No. 276.
10 February 1855.

Certified copies or extracts of books to be received as evidence and to be furnished for a reasonable sum.

deputy of such Clerk or other officer, that the paper produced is a copy of the record of the indictment, trial, conviction, and judgment or acquittal, as the case may be, omitting the formal parts thereof.

9. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no statute exists which renders its contents provable by means of a copy, any copy thereof or extract therefrom shall be admissible in evidence in any Court of Justice or before any person now or hereafter having, by law or by consent of parties, authority to hear, receive and examine evidence, provided it be proved to be an examined copy or extract, or provided it purport to be signed and certified as a true copy or extract by the officer to whose custody the original is intrusted, and which officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon the payment of a reasonable sum for the same, not exceeding eightpence for every folio of ninety words.

Penalty on officers certifying false copies or extracts.

10. If any officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable, upon conviction, to imprisonment for any term not exceeding Eighteen Months.

Penalty on persons forging or tendering false documents, which may be impounded.

11. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall, upon conviction, be liable to transportation for Seven Years, or to imprisonment for any term not exceeding Three Years, nor less than One Year, with hard labour, and whenever any such document shall have been admitted in evidence by virtue of this Act, the Court or person who shall have admitted the same may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some officer of the Court or other proper person for such period and subject to such conditions as to the said Court or person shall seem meet.

Provision for examination of witnesses upon interrogatories or otherwise.

12. And whereas great difficulties and delays are often experienced, and sometimes a failure of justice takes place in actions depending in the Court of Common Pleas, by reason of the want of a competent power and authority in the said Court to order and enforce the examination of witnesses when the same may be required before the trial of a cause, it shall be lawful for the said Court of Common Pleas, in every action depending in such Court, upon the application of any of the parties to such suit, to order the examination on oath, upon interrogatories or otherwise, before the prothonotary of the said Court, or other person or persons to be named in such order, of any witnesses within the jurisdiction of the said Court, or to order a commission to issue for the examination of witnesses on oath, at any place or places out of such jurisdiction by interrogatories or otherwise, and by the same or any subsequent order or orders to give all such directions touching the time, place and manner of such examination as well within the jurisdiction of the said Court as without, and all matters and circumstances connected with such examination as may appear reasonable and just.

Further provision for examination of witnesses and production of documents.

13. When any rule or order shall be made for the examination of witnesses within the jurisdiction of the said Court of Common Pleas, by authority of this Act, it shall be lawful for the Court, in and by the first rule or order to be made in the matter, or any subsequent rule or order, to command the attendance of any person to be named in such rule or order, for the purpose of being examined, or the production of any writings or other documents to be mentioned in such rule or order, and to direct the attendance of any such person to be at his own place of abode or elsewhere, if necessary or convenient so to do; and the wilful disobedience

of any such rule or order shall be deemed a contempt of Court, and proceedings may be therefore had by an attachment (the Judge's order being made a rule of Court before or at the time of the application for an attachment) if, in addition to the service of the rule or order, an appointment of the time and place of attendance in obedience thereto, signed by the person or persons appointed to take the examination, or by one or more of such persons, shall be also served together with or after the service of such rule or order: Provided always, that every person whose attendance shall be so required shall be entitled to the like conduct-money and payment for expenses and loss of time as upon attendance at a trial: Provided also, that no person shall be compelled to produce, under any such rule or order, any writing or other document that he would not be compelled to produce at a trial of the cause.

14. It shall be lawful for the Police Magistrate, gaoler, or other officer having the custody of any prisoner, to take such prisoner for examination under the authority of this Act, by virtue of a writ of habeas corpus to be issued for that purpose, which writ shall and may be issued by the said Court or the Judge of the said Court, under such circumstances and in such manner as such Court or Judge may now issue the writ commonly called a writ of habeas corpus ad testificandum.

Prisoners may be taken by gaoler or officer having custody of them for examination, by writ of habeas corpus.

15. It shall be lawful for the prothonotary or any other persons to be named in any such rule or order as aforesaid for taking any examination in pursuance thereof, and he and they are hereby required to make, if need be, a special report to the Court touching such examination and the conduct or absence of any witness or other person there or relating thereto; and the Court is hereby authorized to institute such proceedings and make such order and orders upon such report as justice may require and as may be instituted and made in any case of contempt of the Court.

Persons taking examinations to make, if necessary, a special report, and the court may make order thereon.

16. The costs of every rule or order to be made for the examination of witnesses under any commission or otherwise by virtue of this Act and of the proceedings thereupon shall be costs in the cause, unless otherwise directed by the Court.

Costs of these examinations to be costs in the cause.

17. No examination or deposition to be taken by virtue of this Act shall be read in evidence at any trial without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Judge that the examinant or deponent is beyond the jurisdiction of the Court, or dead, or unable, from permanent sickness or other permanent infirmity, to attend the trial; in all or any of which cases the examinations and depositions certified under the hand of the Commissioners, Prothonotary, or other persons taking the same, shall and may, without proof of the signature to such certificate, be received and read in evidence, saving all just exceptions.

In what cases the examinations are to be read.

18. Every court, judge, justice, officer, commissioner, arbitrator, or other person now or hereafter having by law, or by consent of parties, authority to hear, receive and examine evidence, is hereby empowered to administer an oath or affirmation to all such witnesses as are legally called before them respectively.

Judges, &c., empowered to administer oath or affirmation.

19. So much of an Act passed in the year of our Lord, One thousand eight hundred and forty-nine, entitled "An Act to amend the Law of Evidence," as provides that the said Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff, or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended either wholly or in part, is hereby repealed.

Former law rendering parties to, or interested in, a suit incompetent witnesses, repealed.

20. Nothing in this Act shall apply to or affect any suit, action, or proceeding brought or commenced before the passing of this Act.

This Act not to extend to suits commenced.

21. In citing this Act in other Acts of the Legislature of this Island, or in any instrument, document, or proceeding, it shall be sufficient to use the expression "the Evidence Amendment Act, 1855."

Title under which this Act is to be cited.

No. 277.

10 February 1855.

No. 277.

10 February 1855.]—AN ACT to complete the purchase of a spot of Land as a Cholera Burial-ground for the Parish of Christ Church.

WHEREAS, during the late prevalence of epidemic cholera, the Vestry of the parish of Christ Church were necessitated, from the extreme urgency of the case, to contract with Joseph Atkins, who was possessed of lands within the parish, to purchase three acres and a half thereof for the sum of two hundred and ninety-one pounds thirteen shillings and fourpence, as a burial-ground for persons dying of cholera: And whereas it is expedient that the Sanitary Commissioners of the said parish be authorized to complete the purchase of the said land: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

The Sanitary Commissioners of Christ Church to purchase the land used as a cholera burial-ground, which is to be set apart for the purpose.

On payment of the purchase-money the land to stand vested for the purpose.

Indemnity to parties for having already used the same.

Reservation of the rights of the Crown, &c.

1. The Sanitary Commissioners of the said parish of Christ Church, or a sufficient Board of them, are hereby authorized and empowered to complete the purchase of the said spot of land at the price aforesaid, out of the funds granted to them for sanitary purposes, allowing interest on the purchase-money from the time possession of the same was taken for the purposes aforesaid, and to have the same conveyed in such manner as to them may seem most advisable in order that the said spot of land shall be used as a burial-ground for persons dying of cholera, and for no other purpose: Provided, nevertheless, that no grave in the said land shall ever be reopened.

2. On payment of the said purchase-money, the said spot of land shall stand vested for the purposes of this Act, absolutely and for ever exonerated and discharged of all legal and equitable right and interest of all and every person and persons whomsoever, and of all charges, incumbrances, or demands affecting the same.

3. The Sanitary Commissioners of the said parish of Christ Church, and all other persons acting under their directions, are hereby indemnified and protected against all necessary acts done in the taking possession of the said piece of land, and causing the same to be used as a cholera burial-ground; and no action or other proceeding shall be maintainable against the said Sanitary Commissioners or any or either of them, or against any other person or persons who shall have acted under their directions in the performance of said acts.

4. Provided that nothing in this Act contained shall extend or be construed to extend to or affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons whomsoever, except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 278.

10 February 1855.

No. 278.

10 February 1855.]—AN ACT for the better making and keeping Registers of Baptisms, Marriages, and Burials, solemnized in the several Parishes of this Island.

WHEREAS it is expedient to amend the form and manner of making and keeping registers of baptisms, marriages, and burials solemnized in the several parishes of this Island, in order to afford a more accurate description of certain particulars relating to the same, and thus to facilitate the proof of claims of relationship and rights of property, and otherwise to promote the public benefit: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

After the 1st July next, the registers of

1. From and after the First day of July next ensuing, registers of baptisms, marriages, and burials, solemnized according to the rites of the

United Church of England and Ireland, within the several parishes of this Island, shall be made and kept by the rectors, curates, or officiating ministers of the respective churches and chapels of such parishes, in proper bound books, to be provided as hereinafter directed in the forms prescribed in the schedules hereunto annexed, marked A, B, and C; and every such rector, curate, or officiating minister shall, as soon as possible, after the solemnization of every baptism (whether private or public) or burial, record and enter in the proper register-books, respectively provided for that purpose, in a fair and legible hand, the several particulars mentioned in the said several Schedules A and B, as the case may be, and shall duly sign the same, and in no case (unless prevented by sickness or other unavoidable cause) later than seven days after the solemnization of such baptism or burial.

2. If any baptism or burial shall be solemnized by any minister not being the rector or curate of the parish or district in any other place than the church or chapel thereof, such minister shall without delay certify to the rector or curate of the parish or district, in the form contained in the Schedule D to this Act annexed, that he has duly solemnized the same, and such rector or curate shall therefore enter the requisite particulars in the proper register-books, adding the words, According to the certificate of the Reverend _____, transmitted to me on the day of _____

No. 278.
10 February 1855.
baptisms, marriages, and burials to be kept throughout the Island in a prescribed form.

Baptisms or burials solemnized by other than the rector to be transmitted to him for registry.

3. Every such rector, curate, or officiating minister shall, immediately after every office of matrimony solemnized by him, enter in the marriage register-book the several particulars relating to the marriage according to the form of the said Schedule C; and every such entry shall be signed by such rector, curate, or officiating minister, and by the parties married, and by two witnesses, and shall be made in order from the beginning to the end of the book.

Entry of marriages —how to be made.

4. For the better ensuring the regularity and uniformity of such register-books, and in the making of copies thereof for the purposes hereinafter mentioned, the Treasurer of the Island shall, as soon as conveniently may be after the passing of this Act, and from time to time as occasion may require, cause to be prepared, for the use of the churches and chapels of the several parishes of this Island, proper bound books of good and durable paper, whereon shall be printed upon each side of every leaf the heads of information herein required to be entered in the registers of baptisms, marriages, and burials respectively, according to the forms contained in the said Schedules A, B, and C; each entry to be divided from the following entry by a printed line, and every page of every such book shall be numbered with progressive numbers, the first page being marked with the number one in the middle of the upper part of each page, and every subsequent page being marked in like manner with progressive numbers from number one to the end of the book. And the said Treasurer shall also cause corresponding duplicate sheets to be prepared and printed of the contents of every such book, such sheets to be equal in number to the number of sheets contained in every such book. And the said Treasurer shall from time to time, as there may be occasion, furnish to the rectors, curates, or officiating ministers aforesaid, the said register-books and said corresponding duplicate sheets thereof for the use of their respective churches and chapels; and the cost of the books and duplicate sheets furnished to the rectors, curates, or officiating ministers of each parish, shall be paid to the said Treasurer by the Parochial Treasurer of the parish from the funds of such parish.

The Treasurer to supply register-books in duplicate, to be paid for by the respective parishes.

5. The entries in the said register-books in respect of each year shall be made in progressive numbers, the first entry of the year to be distinguished by number one, and so on, with progressive numbers to the end of the year; and the rectors, curates, and officiating ministers aforesaid shall in a fair and legible hand transfer to and enter in the said duplicate sheets the several particulars which may from time to time in each year be entered respectively in the said register-books ending the

Entries in the registers to be made and numbered progressively, and duplicates to be sent in to the Secretary's office, there to be bound and indexed at the public expense.

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10 February 1855.

Thirty-first of December, and the said rectors, curates, or officiating ministers shall stitch together the said duplicate sheets, containing the particulars of the entries made therein from the said register-books respectively up to the Thirty-first of December, in each year, and shall at the foot thereof certify the same to be true copies of the original entries to which they respectively relate, and shall some time in the month of January following, deliver the same over to the Secretary of the Island, to be kept with the other records of his office, and the said Secretary shall cause indexes of the contents thereof to be made and kept with the same, and he shall cause the said sheets with the indexes thereof relating to the baptisms, marriages, and burials, solemnized in each parish, to be properly bound together in separate and distinct volumes, and the said Secretary shall also cause indexes to be made and properly bound together of all duplicate registers already lodged and hereafter to be lodged in the Secretary's office relating to baptisms, marriages and burials solemnized in the several parishes of the Island prior to the said First day of July next, and to have the said indexes kept and preserved with the said duplicate registers to which they relate; and the expenses incurred by the said Secretary in and about the same shall be defrayed from the Public Treasury on the warrants of the Governor in Council; and the Treasurer of the Island is hereby directed not to pay to any rector or curate his stipend after the said month of January until a certificate shall be produced to him from under the hand of the said Secretary that such rector or curate hath made the returns required of him as aforesaid.

Duplicates of all former registers to be made and sent in to the Secretary's office; and the originals when decayed or mutilated to be recopied for preservation, in the respective parishes.

6. Whereas, by the Act of this Island of the Fifth of September, One thousand eight hundred and forty-eight, relating to Vestries and Churchwardens, the Vestries of the several parishes were required to provide books for registering christenings, marriages, and burials in duplicate, one of which to be deposited in the Secretary's office: And whereas it is desirable that copies should be made of all registers of baptisms, marriages and burials theretofore made and kept in original only, in order that such copies may be deposited in the said Secretary's office; and it is also desirable when such original registers may be in a decayed or mutilated state that two copies thereof should be made, one to be kept in the parish and the other to be deposited in the said Secretary's office: It is therefore hereby enacted, That the Vestries of the several parishes of this Island shall, at the cost of their parishes, cause true copies to be made in a fair and legible hand of the contents of all the register-books of baptisms, marriages, and burials solemnized in the churches and chapels of their respective parishes (of which copies have not yet been returned to the Secretary of the Island), and the rectors and churchwardens of said parishes shall examine and attest the accuracy under their hands of such copies, and the same shall thereupon be delivered by the rectors of parishes to the Secretary of the Island, to be preserved amongst the records of his office; and where any such register-books shall be in a decayed or mutilated state, two copies of the contents thereof shall be made, and one of such copies kept and preserved in the parish in the same custody with the original register-books, and the copies so made for the purpose of being preserved in the parishes to which they relate shall be examined and attested in manner as aforesaid by the rectors and churchwardens of such parishes, and such copies so made and preserved in such parishes shall be deemed and taken to be duplicate original registers and shall have the like force and effect and be as valid for all purposes whatsoever as if they were original registers.

Penalty on false statements in registry.

7. If any person shall wilfully make or cause to be made for the purpose of being inserted or shall insert or permit to be inserted in any register of baptism, marriage or burial any false statement touching any of the particulars herein required to be known and registered, such person shall be subject to the same fines and penalties as if he were guilty of perjury.

8. If any rector, curate, or officiating minister shall refuse, or without reasonable cause omit to register any baptism, marriage, or burial solemnized by him; or if any person having the lawful custody of any register-book, or certified copy thereof or of any part thereof, shall carelessly lose or injure the same or carelessly allow the same to be injured whilst in his keeping, such person shall forfeit to her Majesty, her heirs and successors, for the public uses of the Island, a sum not exceeding Twenty pounds for every such offence.

Penalty on refusal or omission to register; and on injury or loss of registers.

9. Every original register of any baptism, marriage, or burial, and every copy thereof certified under the hand of the rector, curate, or officiating minister who for the time being shall have the custody of the original, to be a true copy; and also every copy of any such register which hath been or shall be deposited according to law in the Secretary's office of this Island, and also every copy certified under the hand of the said Secretary to be a true copy of the copy deposited in his office, shall respectively be admitted in all Courts and places in this Island as legal evidence of the facts therein recorded.

Originals and copies certified by rector or Secretary to be admitted as evidence.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE A.

**Baptisms solemnized in the
Island of Barbados, in the Year**

of
in the

SCHEDULE B.

Burials solemnized in the **of** **in**
the Island of Barbados, in the Year 185 .

[illegible]

SCHEDULE C.
Marriages solemnized in the of in the Island of Barbados, in the Year 185

Number.	When Married.	Name and Surname.	Age.	Condition.	Rank, Occupation, or Profession.	Residence at time of Marriage.	Father's Name and Surname.	Rank, Occupation, or Profession of Father.
<p>Married in the Ireland,*</p> <p>This Marriage was solemnized between us,</p> <p>by me,</p> <p>in the presence of us,</p> <p>according to the Rites and Ceremonies of the Established Church of England and</p>								
* By Licence; or after Banns [as the case may be].								

SCHEDULE D.

I, do hereby certify that I did, on the Baptize, according to the

Rites of the United Church of England and Ireland, son [or daughter] of

and his wife, by the name of

To the Rector of

No. 279.
10 February 1855.

No. 279.

10 February 1855.]—AN ACT to place the Chapel of St. Ann's in the Parish of Saint Joseph, in this Island, under the control of the Vestry of said Parish.

The Chapel of St. Ann's is placed under the Vestry of the parish of St. Joseph, as fully as the parish church, to be maintained in the same manner.

WHEREAS the Rector, Churchwarden, and Vestry of the parish of Saint Joseph have preferred a petition to the General Assembly praying that an Act might be passed for placing the said chapel of Saint Ann's under the control of the Vestry of the said parish, and that they might be authorized to exercise the same power and control over the said chapel as by law are exercised by them in respect of the parish church, and that they might be empowered to maintain the said chapel at the cost of the parish in like manner as the parish church is maintained by them: And whereas it is deemed expedient to grant the prayer of the petition: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That from and after the passing of this Act the said chapel of Saint Ann's in the said parish of Saint Joseph shall be and it is hereby declared to be under the control of the Vestry of the said parish of Saint Joseph, and the said Vestry are hereby fully authorized to exercise the same powers and control over the said chapel as fully to all intents and purposes as are at present exercised by them by law in respect of the parish church, and they are hereby authorized and empowered to maintain the said chapel of Saint Ann's at the cost of the said parish of Saint Joseph in the same manner as the parish church is maintained by them, any law to the contrary notwithstanding: Provided always, That nothing in this Act contained shall extend or be construed to extend to affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons except such as are hereinbefore mentioned and those claiming by, from or under them.

No. 280.
22 February 1855.

No. 280.

22 February 1855.]—AN ACT to authorize the Sale of the Glebe Lands and Rectory House and Buildings of the Parish of Saint Joseph, and for procuring other Lands and Buildings in lieu thereof.

Authorizes the sale of the rectory-house and glebe of St. Joseph's: the proceeds to be invested in the purchase of others more conveniently situated.

WHEREAS the Rector and Vestry of the parish of Saint Joseph have preferred a petition to the General Assembly setting forth that the rectory-house and glebe lands thereto attached of said parish being situate at a very inconvenient distance from the new parish church, it was deemed advisable to dispose of the same, and to apply the money arising therefrom in the purchase of another house and lands more conveniently situate as a rectory-house and glebe for the use and benefit of the incumbents of the parish, wherefore they prayed that power might be granted to the rector for the time being of said parish, by and with the consent of the patron of the living and bishop of the diocese, to sell and dispose of the present rectory-house, buildings, and glebe lands of the said parish of Saint Joseph, and to apply the money arising from the sale of the same in the purchase of another house and lands for the purpose of a rectory-house and glebe, more conveniently situate to the new church of said parish and for the use and benefit of the incumbents: And whereas it does not seem objectionable to grant the prayer of the petition, Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That it shall be lawful for the Rector for the time being of the said parish of Saint Joseph, by and with the consent of the patron of the living and bishop of the diocese, to sell and dispose of the rectory-house and buildings and glebe lands of the said parish of Saint Joseph, and to sign, seal, and deliver good and sufficient

deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and which shall be binding on the Rector and his successors, and the purchase-money thereof shall be paid to the Archdeacon of Barbados and the Rector of the said parish, who shall give receipts and discharges for the same, and invest it in the purchase and procuring of other lands and a house and other buildings more conveniently situated for the purposes of a glebe and rectory-house and buildings, and for the benefit of the said Rector and his successors rectors of the said parish of Saint Joseph: Provided that before the said rectory-house and buildings and glebe lands or any part thereof shall be sold, the same shall be valued by a jury to be summoned and held in the manner practised and established by law in the laying out of new roads, and the appraisement thereof shall be the upset price: Provided also, That in the purchase of any other lands, house or buildings for the purposes of a glebe and rectory-house, or buildings as hereinbefore mentioned and provided for, the lands, house or buildings so intended to be purchased shall be valued by a jury in like manner as the lands, house and buildings sold: Provided always, That nothing in this Act contained shall extend or be construed to extend to affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any persons whomsoever except such as are hereinbefore named and those claiming by, from or under them.

No. 280.
22 February 1855.

Property to be appraised before sale or purchase.

Reservation of the rights of the Crown.

No. 281.

No. 281.
3 May 1855.

3 May 1855.]—AN ACT to amend the Act relating to Jurors and Juries.

WHEREAS it is expedient to amend the law relating to jurors and juries: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

1. From and after the passing of this Act all male subjects of her Majesty, her heirs and successors, who may have the qualification herein-after set forth shall be liable to serve on all juries except on grand or special juries as by law appointed, that is to say:—

Clerks, tradesmen, and managers having salaries of 30*l.*, with board and lodging, or 50*l.* without board, &c., to be liable to serve as common jurymen.

Persons being principal clerks, or tradesmen, and managers of estates receiving or being entitled to receive annual salaries at the rate of thirty pounds with board and lodging, or at the rate of fifty pounds without board and lodging.

2. Provided always, That no person shall be liable to serve on any jury who before the passing of this Act would have been exempted therefrom by any law or custom of this Island.

Persons formerly exempt to continue so.

3. The parochial treasurers of the several parishes of this Island shall, within one month after the passing of this Act, and in the next and every succeeding year within the time prescribed by the second clause of the Act of this Island of the Eight of February, One thousand eight hundred and forty-five, for amending the law relating to jurors and juries, make out lists in the manner and form thereby provided of the persons within their respective parishes liable to serve on juries, but the name of no such person shall be inserted in any such list by any parochial treasurer if said parochial treasurer shall be satisfied that any such person is unable to read and write.

Parochial treasurers to make out lists of jurymen, but not to include the names of any one unable to read and write.

4. It shall be a good cause of challenge of any person summoned to serve as a juror in any court of criminal or civil jurisdiction in this Island that he is an illiterate person and unable to read and write.

Inability to read and write a good cause of challenge.

5. The Provost-Marshall of this Island or his lawful deputy shall, in the summoning of jurors pursuant to any venire facias juratores for the trial of any issue whatsoever, whether civil or in any penal action in the Court of Common Pleas, directed to him, make up before striking any special jury for the same court, a general panel from all persons liable to serve on either jury, from the jurors' book in the order prescribed by law

Provost-Marshall before striking a special jury to make up a general panel from all persons liable to serve on juries. Not to affect the

No. 281.
3 May 1855.

present right to a
special jury.

No one to be liable to
serve as common juror
and special juror at
the same court.

Payments to special
jurors repealed.

Challenges for the
Queen—how to be
dealt with.

Peremptory challenges
by the prisoner in
cases of felony or
murder not to exceed
twenty.

Objections to the lists
of jurors made up
under this Act to be
heard and determined
as formerly.

Duties required of
public officers in
making up lists of
jurors under this Act,
as in making up
former lists.

In civil causes jury
not to be kept longer
than twelve hours,
unless they ask for
further time. At the
expiration of such
time, the verdict of
nine to be taken as
verdict of the jury.

This Act not to alter
in any way the
provisions of the
Franchise Act.

This Act to be con-
strued as forming one
Act with the Jury
Act of 1845.

without omitting any person whose name shall be inserted therein as being a special juror: Provided always, That nothing in this Act contained shall be deemed or construed in any way to affect or interfere with the right which by the law of this Island now exists of having a special jury as at present appointed: Provided also, however, That no person whose name is in the list of common jurors for the trial of any issue in the Court of Common Pleas shall be liable to serve on any special jury at the same court: but if it appear at the time of reading out any name drawn for the purpose of striking a special jury that such person is already on the list of common jurors, such name shall be set aside and another drawn in his stead.

6. The seventeenth clause of the recited Act of February, One thousand eight hundred and forty-five, relating to jurors and juries, which provides for the payment of two dollars to every juror who shall serve upon a special jury, is hereby repealed.

7. In all inquests taken in any court in this Island wherein the Queen is a party, howsoever it be, notwithstanding it be alleged by them that sue for the Queen that the jurors of those inquests or some of them be not indifferent for the Queen, yet such inquests shall not remain untaken for that cause, but if they that sue for the Queen will challenge any of those jurors, they shall assign of their challenge a cause certain and the truth of the same challenge shall be inquired of according to the custom of the court, and it shall be proceeded to the taking of the same inquisitions as it shall be found if the challenges be true or not, after the discretion of the court, and no person arraigned for murder or felony shall be admitted to any peremptory challenge above the number of twenty.

8. The provisions of the third clause of the aforesaid recited Act of February, One thousand eight hundred and forty-five, relating to the hearing and determining of objections against the lists of jurors made up under the authority of that act shall apply to the list of jurors to be made up from time to time pursuant to the provisions of this Act.

9. All Acts, matters and things required to be done and performed by the parochial treasurers, police magistrates, and the Provost-Marshal by the said recited Act of February, One thousand eight hundred and forty-five, in the making up and perfecting the lists of persons now by law liable to serve on juries, shall be done and performed by them under the penalties therein provided in making up such lists of persons made liable to serve as jurors by this Act, and until the lists of persons so liable to serve on juries pursuant to this Act be perfected and ready to be brought into use, the lists made up under the provisions of such recited Act shall continue to be used for all legal purposes.

10. Upon the trial by jury of any civil cause in the Court of Common Pleas, the jury shall not be kept in deliberation longer than twelve hours, unless at the end of that period they unanimously concur in applying for further time, which in that case shall be granted by the court; and if at the expiration of the twelve hours or such prolonged time for deliberation, nine of the said jury shall agree, the verdict agreed to by such nine may be returned as the verdict of the jury, and shall be taken and shall have the same force and effect as if found unanimously by the whole of the jury, any statute to the contrary notwithstanding: and during the said period they may be furnished with necessary refreshments by leave of the judge.

11. Provided always, That nothing in this Act contained shall be construed to alter or in any manner repeal the provisions of the Act of this Island of the Sixth of June, One thousand eight hundred and forty, entitled "An Act to amend the Representation of the People of this Island, and to declare who shall be liable to serve on Juries."

12. This Act, and the hereinbefore recited Act of February, One thousand eight hundred and forty-five, for amending the law relating to jurors and juries, shall be construed together as forming one Act.

No. 282.

No. 282.
24 May 1855.

24 May 1855.]—AN ACT to amend the Law relating to Master and Servant, and to prevent the giving of False and Counterfeit Characters.

WHEREAS many false and counterfeit characters of servants and persons seeking employment in the public service, or to obtain licences under the provisions of various Acts of the Legislature of this Island, have been given, either personally or in writing, by evil-disposed persons, contrary to truth and justice and to the peace and security of society: And whereas the evil herein complained of is not only difficult to be guarded against, but is of great magnitude and continually increasing, and no sufficient remedy has hitherto been applied: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, That—

1. If any person shall falsely personate any master, or the executor, administrator, wife, relation, housekeeper, steward, agent or servant of any such master, or shall either personally or in writing give any false, forged or counterfeited character to any person offering himself to be hired as a servant into the service of any person, then, and in such case, every such person so offending shall forfeit and undergo the penalty or punishment hereinafter mentioned.

Any person falsely personating a master, &c., or giving a forged or counterfeited character,

2. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant has been hired or retained for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which or in which he shall have hired or retained such servant in his service or employment, or for the service of any other person, that then, and in either of the said cases, such person so offending as aforesaid, shall forfeit and undergo the penalty or punishment hereinafter mentioned.

Any person giving a false certificate as to service,

3. If any person shall knowingly and wilfully pretend, or falsely assert in writing, that any servant was discharged, or left his service at any other time than that at which he was discharged or actually left such service, or that any such servant had not been hired or employed in any previous service, contrary to truth, then, and in either of the said cases, such person shall forfeit and undergo the penalty or punishment hereinafter mentioned.

Any person giving false statements as to a servant's discharge, or as to his previous employment,

4. If any person shall offer himself as a servant, asserting or pretending that he has served in any service in which such servant shall not actually have served, or with a false, forged or counterfeit certificate of his character, or shall in any wise add to, alter, efface or erase, or cause to be added to, altered, effaced or erased, any word, date, matter or thing contained in or referred to in any certificate given to him by his or her last or former actual master, or by any other person duly authorized by such master to give the same, then, and in either of the said cases, such person shall forfeit and undergo the penalty or punishment hereinafter mentioned.

Any person offering himself as a servant under false pretences, or with a false character,

5. If any person having before been in service, shall when offering to hire himself as a servant in any service whatsoever, falsely and wilfully pretend not to have been hired or retained in any previous service as a servant, then, and in such case, such person shall forfeit and undergo the penalty or punishment hereinafter mentioned.

Any person offering himself as servant under false pretences as to previous service,

6. If any master or any other person who shall be qualified or authorized to act in his behalf shall, when thereunto requested by any person desirous of employing any servant, refuse or decline to inform such person of the period and nature of service of any servant who may have lived with him, and of the character and conduct of such servant during such period and in such capacity, without just and good cause to be by him stated at the time of such application, it shall be lawful for such servant to summon such person so refusing as aforesaid before a

Any master, &c., refusing, except for good reason to be shown, to give a servant a character,

No. 282.
24 May 1855.

Any person giving a false or counterfeit character of another person for the purpose of obtaining employment generally,

Shall, on conviction, forfeit 20l.

Indemnification to offenders discovering accomplices.

Form of conviction.

police magistrate for the parish or district in which the master or other person so refusing to give such certificate may reside, then and there to show cause why such information should not have been given; and if such master or other person, acting in his behalf as aforesaid, shall fail to satisfy the police magistrate before whom he may have been cited, that there was good reason why such information should not have been given, it shall be lawful for such police magistrate to order the same to be forthwith given, and if such master or other person as aforesaid shall disobey the order of the police magistrate in this respect, he shall forfeit and undergo the penalty or punishment hereinafter mentioned.

7. If any person shall, either personally or in writing, give any false, forged or counterfeited character, or make or give any false representation or assurance concerning or relating to the character, conduct, credit or ability of any other person, to the intent or purpose that such other person may obtain any situation either in the public service or in the service of any parochial or corporate body, or of any private person, or any licence to be granted under the provisions of any Act of the Legislature of this Island, then, and in such case, every such person so offending shall forfeit and undergo the penalty or punishment hereinafter mentioned.

8. If any person shall be convicted of any or either of the offences aforesaid, by his confession, or by the oath of one or more creditable witness or witnesses, before a police magistrate of the district or parish where such offence shall have been committed (which oath such police magistrate is hereby empowered and required to administer), every such offender for every such offence shall forfeit a sum not exceeding Twenty Pounds, to be recovered as in the case of servants' wages, one moiety whereof shall be paid to the person on whose information the party offending shall have been convicted, and the other moiety thereof shall go and be applied for the use of the poor of the parish wherein the offence shall have been committed.

9. If any servant who shall have been guilty of any of the offences aforesaid shall, before any information has been given or lodged against him for such offence, discover and inform against any person concerned with him in any offence against this Act, so as such offender be convicted of such offence in manner aforesaid, every such servant so discovering and informing, shall thereupon be discharged and indemnified of, from, and against all penalties and punishments to which at the time of such information given he might be liable by this Act, for or by reason of such his own offence or offences.

10. For the more easy and speedy conviction of offenders against this Act, the police magistrate before whom any person shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall happen, viz.:—"Be it remembered, that on the day of in the year of our Lord , A. B. is convicted before me, police magistrate, for (specifying the offence and time and place, when and where the same was committed, as the case shall be).

"Given under my hand and seal the day and year aforesaid."

No. 283.
7 June 1855.

No. 283.

7 June 1855.]—AN ACT to authorize the Purchase of a Spot of Land as a Cholera Burial-Ground for the Parish of Saint Philip.

WHEREAS during the late prevalence of epidemic cholera the Sanitary Commissioners of the said parish of Saint Philip were necessitated, from the extreme urgency of the case, to enter upon and take possession of an acre of the lands of Bushy Park Plantation, in the said parish of Saint

Philip, belonging to the Honourable John Sheafe Gaskin, at that time absent from the Island: said land being the most suitable spot in the parish for a burial-ground for persons dying of cholera: And whereas it is expedient that the said commissioners be authorized to purchase the said land: Be it therefore enacted by the Governor, Council and Assembly of this Island and by the authority of the same, That—

1. The Sanitary Commissioners of the said parish of Saint Philip, or a sufficient Board of them, are hereby authorized and empowered to have the value of the said acre of land ascertained by a jury to be summoned and held in the manner practised and established by law in ascertaining the value of lands taken up in the laying out of new roads, and to purchase the said acre of land at the value fixed by the said jury, allowing interest on the value thereof from the time possession of the same was taken for the purpose aforesaid, and to have the said acre of land conveyed in such manner as the said commissioners, or a sufficient Board of them, may seem most advisable, in order that the said land shall be used as a burial-ground for persons dying of cholera, and for no other purpose: Provided nevertheless that no grave in the said land shall ever be re-opened.

An acre of land in St. Philip's parish used during the epidemic as a burial ground, to be appraised and purchased.

2. When and so soon as the said Sanitary Commissioners, or a sufficient Board of them shall certify to the Governor in Council that they have completed the purchase of the said land, a warrant shall be issued in the usual form to the Treasurer of the Island requiring him to pay to the person entitled to the same, the sum of money which may be fixed by the said jury as the value of the said land, with interest as aforesaid; and on payment of the said purchase-money the said land shall stand vested for the purposes of this Act, absolutely and for ever exonerated and discharged of all legal and equitable right and interest of all and every person and persons whomsoever, and of all charges, incumbrances or demands affecting the same.

When the purchase is certified to the Governor in Council a warrant is to be issued for the payment of the money.

3. The aforesaid Sanitary Commissioners, and all other persons who acted and are now acting under their directions in reference to the said land for the purposes aforesaid, are hereby indemnified and protected against all necessary acts done in the taking possession of the said land and causing the same to be used as a cholera burial-ground, and no action or other proceeding shall be maintainable against the said Sanitary Commissioners, or any or either of them, or against any other person or persons who shall have acted under their directions in the performance of said acts.

Indemnity to parties concerned in the use of the land as a cholera burial-ground.

4. Provided that nothing in this Act contained shall extend or be construed to extend to, or affect the right of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons whomsoever except such as are hereinbefore mentioned, and those claiming by, from or under them.

Reservation of the rights of the Crown.

No. 284.

13 June 1855.]—AN ACT to provide for the better collection of the Militia Tax.

No. 284.
13 June 1855.

BE it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. The twenty-seventh clause of the Act of this Island of the Thirteenth day of August, One thousand eight hundred and thirty-nine, of relating to the Militia, which directs that the executions for raising the Militia taxes in arrear shall be levied by the Provost-Marshal, is hereby repealed.

Repeals clause in Act of 1839.

2. The Treasurer of the Island shall lay a statement of the Militia taxes now and at any time hereafter in arrear before the Commissioners of Public Accounts, who may, if they see fit, remit any of the sums in arrear, and make an order as to the sums to be raised by legal process;

Arrears of Militia tax to be recoverable like servants' wages.

No. 284.
13 June 1855.

The tax to be a
preferable charge on
lands and houses.

and the said Treasurer shall thereupon issue an execution under his hand and seal, directed to a police officer, against each person in arrear whose tax may not be remitted by the said Commissioners of Public Accounts, and the same proceedings shall be had under said execution as in the case of servants' wages.

3. The Militia tax shall be a charge on the lands and houses liable to the same prior and preferably to all other claims and demands affecting the same. And when any such lands or houses shall be sold by the Provost-Marshall, or under a decree of the Court of Chancery, the amount of Militia tax in arrear shall be satisfied out of the purchase-money, as the prior charge thereon.

No. 285.
4 December 1855.

No. 285.

4 December 1855.]—AN ACT for the better auditing and inspecting of the Public Accounts of this Island.

WHEREAS it is expedient to make provision for the better auditing and inspecting of the public accounts of this Island: Be it therefore enacted, by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

The Governor to
appoint an auditor
with a salary of 600*l.*,
and 100*l.* for office
and clerk.
See Act of 28 August
1871.

1. The Governor is hereby authorized to appoint from time to time a fit and proper person to be auditor and inspector of the public accounts of this Island, and the person so appointed shall bear the title of Auditor-General, and be allowed a salary at the rate of six hundred pounds per annum, and a further sum of one hundred pounds per annum for office rent and clerk's hire: But should the Auditor-General be hereafter provided with an office at the public expense, the sum of forty pounds per annum shall be deducted from the aforesaid allowance; such salary and allowance to be paid quarterly from the Public Treasury, on the warrants of the Governor in Council: And in case of the death, resignation, incapacity to act, absence from the Island without leave, or misconduct in office of the said Auditor-General, it shall be lawful for the Governor for the time being to appoint some other fit and proper person to be Auditor-General of public accounts.

Auditor to have an
office in town, and not
to be engaged in any
other business.

2. The Auditor-General shall keep an office in the city of Bridge-Town, to be open for public business every day (Sundays and public holy-days excepted) from ten o'clock in the forenoon till three o'clock in the afternoon; and he shall not hold any other office or appointment, or engage in any trade or business, or in the exercise of any occupation, calling or profession, or be interested in any contract, bargain or engagement for the public service.

Auditor to examine
all accounts previous
to payment, and to
see that they have
been legally
sanctioned.

3. It shall be the duty of the Auditor-General to examine and ascertain the accuracy and correctness of all accounts and charges against the public before the same shall be presented for payment: And the better to enable him to perform this duty he shall be furnished with copies of all Acts and Resolutions passed by the Legislature for grants of money to be expended for the public service; and also with copies of all contracts entered into for the performance of any public work or undertaking, and for the supply of materials or other things required for the public service: and he shall see that the expenditure under such Acts, Resolutions, and Contracts is not suffered to be in excess of the sums therein mentioned until legal provision be made in relation thereto.

All parties having
claims against the
public to deliver their
accounts to the
Auditor, who is to
examine and certify
them.

4. All persons having claims against the public for work or services, except in case of salaries, and allowances of the nature of salaries specially provided for by statute, or for materials or supplies of what kind soever, shall make out fair and particular accounts thereof in duplicate, and deliver the same with all necessary vouchers to the Auditor-General for examination, whose duty it shall be to see that all such as come within contracts are in strict agreement with the terms of

such contracts, and that the charges in respect of all others are reasonable and proper; and when any such account shall have been examined and found correct, or such proper alterations and corrections made therein as shall be requisite, one of the said duplicates shall be certified by the Auditor-General for payment, and returned to the claimant, and the other retained by him and filed in his office.

5. In all cases in which Commissioners are empowered to draw orders on the Treasurer for payment of accounts, such orders shall be drawn on the accounts certified as aforesaid by the Auditor-General, and receipts taken on said accounts. And it shall not be lawful for any Board of Commissioners or Committees to certify and pass any accounts for payment unless such accounts shall have first been examined by the Auditor-General, and his certificate and signature affixed thereto in proof of the correctness of the same.

All accounts passed, or to be paid on the order of the public boards, to be previously certified by the Auditor.

6. In the cases in which warrants from the Governor in Council are paid by the Treasurer, he shall, in addition to the receipt taken on each warrant, take a separate receipt for the sum paid, specifying the particulars as contained in the warrants.

Duplicate receipts to be given for money paid on warrant of the Governor in Council.

7. All licences issued by the Treasurer, after the passing of this Act, and for which money is required by law to be taken, shall be made out on checked forms; and in issuing every such licence, the check shall be filled in with the number of the licence, in proper serial order, the date of issue, the name of the person to whom issued, with the parish or town in which he or she resides, and the amount paid for such licence, and shall be signed by the Treasurer; and every person to whom any such licence shall be issued shall be instructed to take, and shall take the same with the check attached, to the office of the Auditor-General, who shall detach, or cause to be detached, the check from such licence, and file the same in his office; and no such licence shall be of any force or validity until the requirements herein shall have been complied with, and any person presuming to act in contravention thereof shall be dealt with as altogether unlicensed.

Forms to be observed in the issue of licences.

8. Within fourteen days after the expiration of every quarter, the Treasurer shall balance his books to the close of the quarter, and shall make up and send in to the Auditor-General a fair statement of his accounts for the quarter, with all necessary vouchers for expenditure; and the Auditor-General shall have free access to the books of the Treasurer, and to all documents and papers in his possession, in connection with or relating to such accounts, and also to the books, documents, and papers of the Customs, and may call for and inspect the same or any of them, as he shall see fit, in order to test the accuracy of such accounts; and so soon as such accounts shall have been duly and satisfactorily settled with the Treasurer, the Auditor-General shall certify the same under his hand, and shall prepare proper abstracts of all such accounts to be certified by him and laid before the Council and Assembly, with his report thereon, and shall also lay a certified copy of such abstract before the Committee of Public Accounts.

Provision for the audit of the Treasurer's accounts.

9. In furtherance of the objects of this Act, it shall be lawful for the Governor in Council from time to time to issue such orders and instructions to the Auditor-General as shall seem to him to be necessary for his guidance and direction in the examination and settlement of the accounts of the several public officers of the Island, being public accountants, and it shall be the duty of the clerk of the Council to lay a copy of all such orders and instructions before the House of Assembly at or before its second meeting after the issuing thereof; and when any such order and instruction shall relate to or affect any public officer or department, such public officer or department shall yield obedience thereto.

Governor and Council to issue instructions to the Auditor.

10. All accounts, documents and papers coming into the hands of the Auditor-General under the provisions of this Act, with the proper books and papers of his office, shall be public property, and on the death,

The Auditor's papers to be public documents.

No. 285.
4 December 1855.

resignation or removal of that officer shall be delivered forthwith to his successor or to such other person as the Governor may appoint to receive the same.

No. 286.
11 December 1855.
See Act of 30 December 1871.

No. 286.

11 December 1855.]—AN ACT the better to regulate the Retail of Liquors.

[Clause 6 repealed.]

WHEREAS, the laws relating to the issuing of licences for the retail of liquors require amendment: Be it therefore enacted by the Governor, Council and Assembly of this Island, and by the authority of the same, as follows:—

What persons shall be deemed to be retailers of liquors.

1. From and after the First day of January next, every person who shall sell or barter rum, brandy, gin or other spirituous liquors, or the compounds thereof, to any person at one and the same time in any quantity less than thirty gallons, or who shall in manner as aforesaid sell or barter malt liquors in reputed quart bottles less than three dozen, or in reputed pint bottles less than six dozen, shall be deemed a retailer of liquors within the meaning of this Act.

Sums to be paid for the several kinds of licences to retail liquors.

2. It shall not be lawful for any person to become a retailer of liquors unless he shall have previously obtained a licence for such purpose as hereinafter provided; and in case such person shall engage in the retail of malt and spirituous liquors and their compounds, he shall pay the sum of twenty pounds into the public treasury for his licence, but where engaged in the sale of malt and rum and its compounds, he shall pay the sum of fifteen pounds for such licence; but if engaged in the sale of rum and its compounds only, he shall pay the sum of ten pounds.

Licences to be granted on certificate of character, for twelve months, and according to a prescribed form.

3. Any person desiring to become a retailer of liquors under the provisions of this Act, shall in the first instance obtain a certificate from the police magistrate or justice of the peace of the parish in which he resides, to the effect that such person is sober and discreet and fit to be trusted as a retailer of such liquors, and upon the production of such certificate to the Treasurer of the Island, and on payment to the said Treasurer for the uses of the Island of the respective sums hereinbefore mentioned, the said Treasurer shall under his hand grant a licence to such person, authorizing him to retail liquors according to the provisions of this Act for a period of twelve months then next ensuing, and the licence so to be granted shall set forth according to the form to this Act annexed, marked A., the town or rural part of the parish in which the retailing authorized by such licence is to be carried on, and such licences shall be numbered in consecutive order.

Provisions for controlling the number of public houses within half a mile of the garrison.

4. And whereas great complaints are made by the military authorities of the serious injury inflicted on the discipline of the troops of the garrison of Saint Ann's, and on the morals and health of the soldiers, by the great and increasing number of public-houses established in its vicinity, wherefore it is expedient that some check should be placed on so vicious an evil: Be it therefore enacted, That the number of licences for the retail of liquors within the distance of half a mile from the boundaries of the garrison shall be limited, and it shall be the duty of the police magistrates of Bridge-Town, after consultation with a military board to be appointed by the Commander-in-Chief of the forces, to certify to the said Treasurer, within six days after the passing of this Act, and within the like number of days prior to the expiration of every twelve months next ensuing, the number and position of retail liquor shops, which in their judgment it may be expedient to license for the sale of liquors within the aforesaid distance. And the said Treasurer in the issuing of licences as aforesaid shall duly observe and govern himself by the certificates of the said police magistrates.

5. Every person obtaining any such licence as aforesaid, shall before selling or bartering any liquors under the same, set up and affix a sign-board over the door or on some other conspicuous part of the front of his shop or house in which the liquors are to be disposed of; such board to have the number of the licence, the name of the party to whom granted, and also the words "Licensed Retailer of Liquors" painted thereon in large white letters, not less than two inches in length, on a black ground, under a penalty of Twenty Shillings for every day's omission to set up and affix such board as aforesaid.

Every retailer of liquor to exhibit a signboard with his name and number.

7. If any person having obtained a licence as aforesaid shall remove from the town into the rural part of his parish, or from the rural part into the town of his parish, or if he shall remove into any other town or parish, he shall, before retailing under the authority of such licence, report his removal to the Treasurer, and produce his licence to that officer, to the intent that such removal may be duly endorsed thereon by the said Treasurer, and the said Treasurer shall thereupon give due notice thereof to the Inspector-General of Police, and also to the parochial treasurer of the parish into which such licensed person may have removed; and if any person shall after such removal sell or barter any liquors before getting such removal endorsed on his licence, he shall be dealt with as selling or bartering without a licence.

Persons having licences, and changing their shops, to have their licences endorsed with such change.

8. The Treasurer of the Island shall at the end of every three months furnish to the Inspector-General of Police, lists of the names of persons, and their places of abode, who within the said three months may have taken out licences under this Act, to the intent that the serjeants, and other officers of the police may know the names of the persons and their places of abode to whom licences may be granted; and the said Treasurer shall also, within the time aforesaid, furnish the parochial treasurer of each parish with the names and places of abode of all persons within their respective parishes who may have taken out licences as aforesaid. And it shall be lawful for the serjeants and other officers of the police to enter on the premises of persons engaged in the retail of liquors, and to call for and examine their licences with the view to ascertain that the provisions of this Act are not infringed; and it shall also be lawful for parochial treasurers, with the like object, to enter on the premises of persons within their respective parishes engaged in the retail of liquors, and to call for and examine their licences; and if any retailer when so called on shall refuse to produce his licence, he shall incur a penalty not exceeding Two Pounds.

The Treasurer to furnish the police and parochial treasurers with lists of licensed liquor dealers, and the police authorized to call for and examine licences.

9. The penalties under this Act shall be to the Queen, her heirs and successors, for the uses hereinafter mentioned, and shall be recovered with costs in a summary manner, as in the case of servants' wages, on complaint before the police magistrate of the parish or before a police magistrate of Bridge-Town, as the case may be, in which the offence may be committed, one moiety whereof shall be to the use of the informer, and the other moiety shall be paid into the Public Treasury for the uses of the Island; and complaints for the recovery of such penalties may be commenced within one year after the offence committed.

Appropriation of penalties.

10. This Act shall come into operation on the First day of January next, and from thenceforth the Acts of this Island of the Seventeenth of December, One thousand eight hundred and thirty-five, and Twenty-eighth of December, One thousand eight hundred and thirty-seven, regulating the issuing of licences for the retailing of rum, brandy, gin and other liquors, and also the Act of the Twenty-eighth of December, One thousand eight hundred and thirty-seven, fixing the period for determining the duration of licences at the end of the year in which the same may be granted, shall be and stand repealed, but such repeal, however, shall not discharge any unpaid penalties incurred thereunder; but it shall be lawful by the means and powers of this Act to recover such unpaid penalties as penalties recoverable under this Act, for the purposes of the aforesaid Acts.

Act to come into operation on 1st January.

Consequent repeal of former Acts.

No. 286.
11 December 1855.

SCHEDULE TO THIS ACT ANNEXED.

(A)

Schedule A.

BARBADOS.—

[No.]. Licence to retail malt spirituous liquors, and their compounds (as the case may be.)

To A. B. of the parish of you are hereby authorized to retail within the (name the town or rural part of the parish) for a period of twelve months from this day pursuant to the provisions of an Act of this Island passed the entitled "An Act the better to regulate the retail of Liquors."

Given under my hand this day of One thousand eight hundred and fifty Signed,

A. B., Treasurer.

No. 287.
19 December 1855.

No. 287.

19 December 1855.]—AN ACT to provide for better uniformity in the payment of Public Claims.

WHEREAS, with a view to the better keeping and the more convenient auditing of all claims against the public, it is expedient that all such claims should be computed and made up to the close of the present year ending the Thirty-first of December, One thousand eight hundred and fifty-five: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

The Governor in Council to issue warrants for all public claims up to 31st December, and thenceforth to the close of each succeeding quarter.

1. All claims in respect of salaries of public functionaries, contracts, supplies, or otherwise which require warrants from the Governor in Council authorizing payment by the Treasurer, shall be made up for payment to the close of the present year ending the Thirty-first instant; and as regards all future quarters, such claims shall be made up to the close of the quarter, and the warrants of the Governor in Council shall be issued accordingly for payment of the same.

No. 288.
26 March 1856.

No. 288.

26 March 1856.]—AN ACT to provide for the care and maintenance of the Harbour Light at Needham's Point.

The maintainance of the harbour light is transferred from the Mole-head Commissioners to the Lighthouse Commissioners, and defrayed out of the Lighthouse grant.

WHEREAS by an Act passed the Twenty-eighth of August, One thousand eight hundred and fifty-one, the Commissioners of the Mole-head are authorized and required to maintain the harbour light at Needham's Point: And whereas it is deemed expedient to transfer the care and maintenance of the same to the Commissioners appointed by an Act of the Fifth of August, One thousand eight hundred and thirty-six, to provide for the erection of a Lighthouse on this Island: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That the Commissioners appointed by the said Act of the Fifth of August, One thousand eight hundred and thirty-six, shall be, and they are hereby authorized and empowered out of the funds placed at their disposal, by an Act of the Fourteenth day of September, One thousand eight hundred and forty-seven, to provide for and maintain the harbour light at Needham's Point.

No. 289.

No. 289.
26 March 1856.

26 March 1856.]—AN ACT to revive and amend the Public Health Acts, 1851–1853, and to make better provision for the establishment of a General Board of Health.

[Clauses 1 had its effect.]

WHEREAS an Act was passed the Nineteenth of February, One thousand eight hundred and fifty-one, entitled “An Act for promoting the Public Health of this Island;” and another Act was passed the Seventeenth of February, One thousand eight hundred and fifty-three, entitled “An Act to alter, amend, and continue in force the Public Health Act of this Island:” And whereas the said Acts severally expired on the Eighteenth day of February in the present year, and it is deemed expedient to revive and continue the same for a limited period, and also to make some permanent provisions for the better establishment of a General Board of Health for this Island: Be it therefore enacted, by the Governor, Council, and Assembly of this Island and by the authority of the same, That—

2. All acts done by any person or persons intending to carry out the provisions of the said hereinbefore recited Acts, or of any other Act imposing duties on persons appointed under either of the said hereinbefore recited Acts, between the said Eighteenth day of February in the present year and the passing of this Act, shall be of the same force, validity, and effect to all intents and purposes as if the said Acts had continued in force to the passing of this Act.

Proceedings since expiration of former Acts legalized.

3. All bye-laws made by virtue of such Acts, and in force at the time of the expiration thereof, shall be and continue in force during the continuance of this Act, or until duly repealed; and all engagements, contracts, and agreements entered into under such Acts and by authority of the same, shall be of full force and validity, and as binding on the several parties thereto as if such Acts had not expired.

Proceedings under former Acts to be binding, as if they had not expired.

4. From and after the passing of this Act, it shall be lawful for the Governor, by commission under the seal of the Island, by and with the consent of her Majesty's Council in Council, to appoint one General Board of Health for the Island, to consist of nine members, two of whom to be chosen from the Council and three from the General Assembly, any five of whom shall form a Board; and the members appointed from the General Assembly shall continue to be members of the Board in each subsequent session if returned to serve therein, and they shall also continue to act as members of the Board during the expiration, dissolution, or prorogation of the General Assembly; and the Governor in Council is hereby authorized from time to time to fill up all vacancies, and from time to time, as and when he shall think fit, by and with the consent of the Council, to annul any such commission and issue a fresh commission or commissions composed in the like manner as hereinbefore mentioned.

Governor in Council to appoint a new General Board of Health.

5. The General Board of Health shall have power from time to time to make, amend, alter, and annul all such rules and regulations as to them shall seem meet for promoting the health of the inhabitants of the Island, and for removing all causes which may tend to the introduction or spread of all contagious, infectious, and other diseases, and more especially epidemic cholera; and all such rules and regulations shall be laid before the Governor and Council for confirmation: and after confirmation and publication thereof in the official Gazette of the Island by proclamation, such rules and regulations shall have the same effect as if the same were herein set forth and enacted; and the said Board of Health shall have and exercise all such other powers and authorities as are given by any Act or Acts of this Island to any Board of Health authorized to be established under any Act or Acts of this Island.

Powers of the new Board to make rules, &c.

6. All rules and regulations made by the General Board of Health in pursuance of this Act, and allowed by the Governor in Council, shall be printed and hung up in the office of the Colonial Secretary, and copies

Rules of the Board to be exhibited in the Secretary's office, and copies to be sold.

No. 289.
26 March 1856.

Penalty for violation
of rules.

The Board authorized
to summon and
examine parties.

Public officers to assist
in carrying out the
rules.

Appropriation and re-
covery of penalties.

thereof shall be delivered to any person applying for the same, on payment of such reasonable sum, not exceeding one shilling, as shall be fixed by the Board.

7. If any person shall violate any of the rules or regulations made or to be made by the said Board of Health, such person shall be liable for every such offence to a penalty not exceeding Ten Pounds: Provided always, That nothing in this Act, or in any rule or regulation to be made by the said General Board of Health as hereinbefore provided, shall be construed to render lawful any act, matter, or thing whatsoever, which but for this Act would be deemed to be a nuisance, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof.

8. In order that they may be the better informed of the several matters and things connected with the health of the Island, and may be the better enabled to form correct opinions respecting the same, the said Board of Health is hereby authorized and empowered to summon any person or persons before them and to examine such person or persons on oath (which oath they are hereby authorized to administer) touching such matters and things: And any person or persons neglecting or refusing to attend the said Board after being duly summoned, shall incur a penalty not exceeding Five Pounds.

9. All Justices of the Peace and police officers are hereby required to be aiding and assisting in carrying into execution the rules and regulations made and confirmed as aforesaid.

10. The penalties imposed by or under the authority of this Act shall be to her Majesty, her heirs and successors, for the uses of the Island, and shall be recovered with costs before any Police Magistrate or Justice of the Peace in a summary manner, as in case of servants' wages.

No. 290.
28 March 1856.

No. 290.

28 March 1856.]—AN ACT to authorize the Governor in Council to remit, in certain cases, Duties payable to Her Majesty for the uses of the Island.

WHEREAS it is expedient to authorize the Governor in Council to remit, in certain cases, duties payable to her Majesty, her heirs and successors, for the uses of this Island: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Governor in Council
may remit on petition
any duties imposed by
way of penalty.
See Act of 12 January
1870.

1. Where by any Act of this Island additional duties are made payable by way of forfeiture to her Majesty, her heirs and successors, for the use of this Island, it shall be lawful for the Governor in Council, where the circumstances of the case shall appear to warrant such indulgence, upon petition of any person who has incurred and paid such additional duties so imposed by way of forfeiture as aforesaid, to remit such duties and to issue his warrant to the Treasurer of the Island for the repayment of the same, and the Treasurer is hereby authorized and required to repay the same accordingly.

Governor in Council
may remit on address
of the Assembly any
other duties.

2. It shall be lawful for the Governor in Council, upon the address of the Assembly of this Island, to remit and order repayment in manner aforesaid of any duties raised, levied, collected, and paid unto her Majesty, her heirs and successors, for the uses of this Island, and the Treasurer is hereby authorized and empowered to repay the same accordingly.

18 April 1856.]—AN ACT to provide for the care and keeping in order of the Gardens and Grounds of Government-house.

WHEREAS the gardens and grounds of Government-house have hitherto been kept in order at the public expense, although not specially provided for by law: And whereas it is expedient to make such provision in respect thereof as hereinbefore mentioned: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. That a sum not exceeding fifty pounds per annum, commencing from the First day of January in the present year, shall be granted from the Public Treasury, for the purpose of keeping the gardens and grounds of Government-house in order. 50*l.* a year granted for keeping the Government-house gardens in order.

2. The Governor in Council is hereby empowered to issue an annual warrant to the Treasurer of the Island, requiring him to pay to the order of the Pilgrim Committee, such sums of money as may from time to time be drawn for by them for the purpose aforesaid, not exceeding in the present or any subsequent year the sum of fifty pounds. An annual warrant to be issued for the amount.

18 April 1856.]—AN ACT for transferring to and vesting in Her Majesty's Secretary of State for the War Department all the powers and estates which are vested by an Act of this Island—1845—in the principal Officers of the Ordnance.

WHEREAS by an Act of this Island of the Tenth day of May, One thousand eight hundred and forty-five, all messuages, lands, tenements, estates, or other hereditaments within this Island, which had theretofore been lawfully set apart, and which remained and stood appropriated according to law, for purposes of military defence or service, or which theretofore had been purchased for her Majesty or her royal predecessors, and her and their heirs and successors, for the use and service of the Ordnance Department, before and at the time of the revocation of her Majesty next hereinafter mentioned, were vested in the principal officers of the said Ordnance Department: And whereas divers powers and authorities in relation to the premises were, by the aforesaid recited Act, given to the said principal officers of the Ordnance: And whereas her Majesty hath thought fit to revoke the letters patent of some of the said principal officers, and by other letters patent to transfer to one of her Majesty's principal Secretaries of State the administration of the department, the duties of which were previously executed by the said principal officers of her Majesty's Ordnance: and whereas her Majesty's pleasure hath been notified to the Legislature as to the propriety of passing an Act for transferring to and vesting in her Majesty's Secretary of State for the War Department, all the powers and estates which by the aforesaid recited Act, or by any other Act, were vested in the said principal officers of the Ordnance, or which are now vested in one of her Majesty's principal Secretaries of State by the Act of the Imperial Parliament of the session, holden in the eighteenth and nineteenth years of the reign of her Majesty, chapter one hundred and seventeen: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:

1. All the powers, authorities, rights, and privileges whatsoever, which by virtue of the hereinbefore recited Act, or any other Act of this Island, or of any other law, custom, or usage whatsoever, have been, or were at any time vested in, or exercised or exercisable by, the principal officers of her Majesty's Ordnance, or any of them, shall from henceforth continue in full force, and shall be and the same are hereby declared to All the powers and rights previously vested in the principal officers of Ordnance are transferred to the Secretary of State for the War Department.

No. 293.
18 April 1856.

All property hitherto vested in principal officers of Ordnance is transferred to the Secretary for War for the time being.

be transferred to and vested in and exercisable by her Majesty's principal Secretary of State for the time being to whom her Majesty shall think fit to intrust the seals of the War Department, and which principal Secretary of State shall be entitled to the same exemption from personal responsibility as the said principal officers of the Ordnance were entitled to.

2. All messuages, lands, hereditaments, estates, and property whatsoever, which by virtue of the said recited Act or any other Act of this Island, or of any conveyance, surrender, lease, or other assurance, or of any law, custom, or usage whatsoever, before and at the time of the revocation by her Majesty hereinbefore mentioned, were vested in the principal officers of the Ordnance, on behalf of her Majesty, or which have been at any time before the passing of this Act, held, used, or occupied, or purchased, vested, or taken by or in the name of, or by any person or persons in trust for her Majesty, for the use and service of the said department, or for the defence and security of this Island, and which have not been sold, alienated or parted with, shall from henceforth be, and the same are hereby declared to be transferred to and vested in the said principal Secretary of State for the time being for the War Department, on behalf of her Majesty, when and so often as the said principal Secretary of State for the War Department, and any principal Secretary of State to whom her Majesty shall have intrusted the seals of the War Department, shall cease to hold such office, the said several messuages, lands, hereditaments, estates, and property, and all lands, hereditaments, estates, and property which hereafter shall be purchased or otherwise acquired by any such last-mentioned principal Secretary of State for the time being for the War Department on behalf of her Majesty, shall by virtue of this Act be immediately divested out of such principal Secretary of State for the War Department, ceasing to hold such office as aforesaid, and shall by virtue of this Act be transferred to and vested in his successor in the said office, immediately and absolutely upon his receiving the seals of the said department.

The Imperial Act 18 and 19 Vict., cap. 117, to apply to and form part of this Act.

3. The powers, authorities provisions, matters, and things contained in the said recited Act of the Imperial Parliament, so far as the same are applicable, shall form part of this Act and be exercised and exercisable in as full a manner, to all intents and purposes whatsoever, as if the same were set forth in this Act and formed part thereof.

No. 293.
24 June 1856.

No. 293.

24 June 1856.]—AN ACT to enable the Reverend Joseph Shepherd Mayers to exercise his office as a Clergyman within this Island.

The Rev. Joseph Shepherd Mayers authorized to exercise his office of clergyman in this Island.

WHEREAS the Reverend Joseph Shepherd Mayers, who was born in this Island, has been admitted into the Holy Order of Priesthood, by a Bishop of the Protestant Episcopal Church in the United States of America, and the said Joseph Shepherd Mayers is now in this Island and is willing to take a cure, but doubts have been entertained whether he can exercise his office on account of his ordination in the said Church: Wherefore it is enacted, and be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That it shall be lawful for the said Joseph Shepherd Mayers to exercise his office within this Island: Provided that he shall produce letters of orders of deacon and priest, and shall take and make all such oaths, declarations, and subscriptions as are by law required, in order to obtain a licence to hold any cure from the Bishop of this diocese, or in his absence from the Vicar-General.

No. 294.

No. 294.
2 July 1856.

2 July 1856.]—AN ACT to authorize the purchase of certain premises for the service of the Mole-head Department.

WHEREAS, with the view to enlarge the ballast-wharf on the pier-head, and also to provide accommodation for sheltering seamen whilst vessels are undergoing repair and careening, it is desirable to obtain the land and buildings belonging to the estate of Francis Thomas Nutt, deceased, adjoining said wharf: And whereas the trustees of said estate are willing to dispose of the premises for the sum of three hundred and thirty-three pounds, six shillings, and eightpence: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That authority is hereby given to the Governor in Council to direct the purchase of said land and buildings for the service of the Mole-head Department at the price or sum of three hundred and thirty-three pounds, six shillings, and eightpence, and when the purchase shall be completed, to issue a warrant or warrants to the Treasurer of the Island for payment of said sum of money to the party or parties authorized to receive the same.

The Governor in Council authorized to purchase the land and buildings belonging to the estate of Francis Thos. Nutt, deceased.

No. 295.

No. 295.
8 July 1856.

8 July 1856.]—AN ACT to amend an Act for the limitations of Actions and Suits relating to real Estate, and the charges thereon, and for facilitating the Transfer of Property.

WHEREAS doubts have been entertained as to the effect of a certain Act of this Island made on the Twenty-seventh of August, One thousand eight hundred and fifty-three, intituled "An Act for the limitation of Actions and Suits relating to real estate and the charges thereon, and for facilitating the transfer of Property," so far as the same relates to mortgages; and it is expedient that such doubts be removed: Be it therefore declared and enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That it shall and may be lawful for any person entitled to or claiming under any mortgage of land, being land within the definition contained in the first section of the said Act, to make an entry or bring an action at law or suit in equity to recover such land at any time within twenty years next after the last payment of any part of the principal money or interest secured by such mortgage, or within twenty years after some acknowledgment of the right thereto shall have been given it writing, signed by the person by whom the same shall be payable or his agent, to the person entitled thereto or his agent, although more than ten or even twenty years may have elapsed since the time at which the right to make such entry or bring such action or suit in equity shall have first accrued, anything in the said Act notwithstanding.

Mortgagees of land may recover within 20 years after the last payment of any part of principal or interest, or within 20 years of acknowledgment.

No. 296.

No. 296.
12 July 1856.

12 July 1856.]—AN ACT to incorporate the "General Agricultural Society and Reid School of Practical Chemistry."

WHEREAS, in the year of our Lord One thousand eight hundred and forty-five, certain inhabitants of this Island, actuated by the laudable motive of furthering and encouraging all practical improvements in cultivation, advancing tropical agriculture, and disseminating information on such subjects, associated themselves together in a society by the name of the "General Agricultural Society:" And whereas, in the year of our Lord

The members of the "General Agricultural Society and Reid School of Practical Chemistry" having petitioned the Legislature to

No. 296.
12 July 1856.

incorporate the said
society,

are declared to be
one body politic and
corporate, &c.

Able and capable to
hold and receive
goods, chattels, &c.

Corporation may
make bye-laws and
ordinances :

Provided they are not
repugnant to the
Queen's prerogative
or the laws of Great
Britain in this Island.

They shall not affect
any other person
than members.

Fines incurred by
breach of bye-laws to
be recoverable in a
summary manner.

This Act to be deemed
a public Act.

One thousand eight hundred and fifty-four, the "Reid School of Practical Chemistry," established with a view to create and promote a taste for scientific knowledge, was amalgamated with the "General Agricultural Society." And whereas a petition hath been presented to the Legislature, setting forth the above-mentioned facts, and praying that an Act may be passed to incorporate the United Society: And whereas it is desirable that the prayer of such petition should be granted: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows :—

1. The present and all future members of the said society shall be, and they are hereby declared and adjudged to be, one body politic and corporate, by the name of "The General Agricultural Society and Reid School of Practical Chemistry of Barbados;" and by that name shall and may have perpetual succession, and shall and may sue and be sued in all courts and before all magistrates, justices, and others, in all manner of actions, suits, complaints, matters and causes whatsoever, and shall and may have a common seal, and the same may vary and alter at their pleasure; and by the name aforesaid shall be in law capable of holding all such estate, real and personal, as hath been already acquired by them, and of having, taking, and holding for ever hereafter, other estate, real and personal, either by purchase, gift, devise, or legacy, for the public use and benefit of the said society: Provided, nevertheless, that such real estate shall not exceed in value at any time the sum of two thousand pounds.

2. From and after the passing of this Act the members of the said society, or any five of them, shall have full power and authority to make, ordain, establish, and put into execution any bye-laws, ordinances, orders, rules and regulations for and concerning the nomination, election, suspension, removal, and expulsion of members and officers, and the management, collection, and disposal of the funds, moneys or estate belonging to the said society, and for conducting and regulating the business affairs and concerns of the said society, and relative to any other matter or thing whatsoever which may in any wise concern the good government of the said society, and the same from time to time to change, repeal, or vary as may seem proper: Provided always, that no such bye-laws, ordinances, orders, rules, and regulations be in any wise repugnant or contrary to her Majesty's prerogative royal, or to the laws of Great Britain or this Island; and that the same shall not in any manner affect any other person or persons than those who are or may become members of the said society; and it shall be lawful for the members of the said society, or any five of them, to fix and appoint in all or any of such bye-laws, ordinances, orders, rules, and regulations, all or any reasonable and adequate fines, forfeitures, and penalties for the non-observance, non-performance, or breach thereof, and for enforcing the due observance thereof.

3. All fines, forfeitures, and penalties to be incurred by virtue of any bye-law, ordinance, order, rule, or regulation to be made, ordained, and established as aforesaid, and all sums to become due to the said society from any of the members of the said society, shall be sued for and recovered in a summary way before any Justice of the Peace, on the complaint of any member of the said society, as in the case of servants' wages; and all and every the Justices of the Peace are hereby authorized and required to take cognizance thereof accordingly; and all fines, forfeitures, and penalties when received, or the overplus thereof, after deducting necessary charges, shall be paid into the hands of the treasurer of the said society for the time being, for the use of the said society.

4. This Act shall be deemed and taken to be a public Act and shall be judicially taken notice of as such by all Judges, Justices, and other persons, without being specially pleaded.

No. 297.

No. 297.
16 July 1856.

16 July 1856.]—AN ACT for granting a Loan towards completing the Wesleyan Chapel in James Street, Bridge-Town.

WHEREAS the Reverend Henry Hurd, superintending minister of the Wesleyan Mission in this Island, hath for himself and the congregation worshipping in James Street Wesleyan Chapel, Bridge-Town, prayed by petition for a loan of five hundred pounds free of interest, towards completing the chapel now in course of erection in said street, to be repaid by yearly instalments of twenty per cent.: And whereas it is intended to grant the loan upon such security being given as hereinafter mentioned: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That if the said Henry Hurd shall, with two sufficient persons as securities, to be approved by the Governor in Council, enter into bond in common form, jointly and severally to the Treasurer of the Island and his successors in office, for repayment into the Public Treasury of said loan by yearly instalments of twenty per cent., the Governor in Council shall thereupon issue a warrant to the said Treasurer, authorizing him to pay said loan of five hundred pounds for the purposes aforesaid.

A loan of 500*l.* granted to the Rev. Henry Hurd, superintending minister of the Wesleyan Mission, on his finding securities for re-payment.

No. 298.

No. 298.
10 November 1856.

10 November 1856.]—AN ACT to facilitate the transaction of the Public Business.

WHEREAS the departments of the Police, Gaol, Lunatic Asylum, and Lazaretto, are by law placed under the charge of, and conducted by, separate and independent Boards of Commissioners, composed of members of the Council and Assembly: And whereas, for facilitating the transaction of the business of those departments, it is deemed expedient to transfer to and vest in one general Board the duties of said departments: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. From and after the passing of this Act, four members of her Majesty's Council and seven members of the Assembly, to be appointed by the Governor in Council, shall be and they are hereby appointed a Board of Commissioners for the purposes of this Act.

2. When and so soon as the said Board shall be appointed and the names of the members entered as of record in the journals of the Council, so much and such parts of the Acts of this Island as relate to the appointment of Commissioners for the respective departments of the Police, Gaol, Lunatic Asylum, and Lazaretto, shall be and stand repealed.

3. The powers, rights, and authorities given and granted by the said Acts to the respective Commissioners authorized to be appointed thereunder, shall be and become transferred to and vested in the said Board of Commissioners, to be appointed under the authority of this Act, when and so soon as the said Board shall be appointed: And all premises, goods, chattels, and property belonging to the public of this Island, which may at the time of the passing of this Act be vested in any of the said Boards of Commissioners appointed under the aforesaid Acts, shall be, and become vested in the said Board, appointed under the authority of this Act, and their successors: And said Board to be appointed as aforesaid, and their successors, have thereby given to them all legal powers and remedies for protecting such premises, goods, chattels and property, for the use and benefit of the public of this Island.

4. For the purposes of this Act there shall be at all times a Board constituted as aforesaid of four members of Council and seven of the General Assembly (any three to form a Board for transacting business)

The Governor in Council to appoint as a board four members of Council and seven members of Assembly. Repeals former acts respecting appointments of commissioners of police, gaol, and lunatic asylum, and transfers the powers of the former Commissioners to the present Board.

498 To authorize Monthly Payments of all fixed Claims on Government.

No. 298.
10 November 1856.

Provision for supply of vacancies, and for members of Assembly acting during the recess.

Board to appoint their clerk at a salary not exceeding 125/.

Three to be a quorum of the committee of public accounts and of the market committee.

Three to be a quorum of the education committee.

to be appointed from time to time as there may be occasion by the Governor in Council; the members appointed from the General Assembly shall continue to be members of the Board in each subsequent session, if returned to serve therein, and they shall also continue to act as members of the Board after the expiration and during the dissolution or prorogation of the General Assembly, without its becoming necessary to make new appointments for the time being: Provided, That if any member appointed from the General Assembly shall die during the dissolution or prorogation of the General Assembly, the powers of the Board shall not be thereby affected: And provided also, That nothing in this Act contained shall affect the power given to two Commissioners by the Act of the Twenty-fourth of January, One thousand eight hundred and forty-six, to receive into the Lazaretto persons afflicted with leprosy.

5. The said Board may, if they think fit, from time to time appoint some fit and proper person to be their clerk, to attend their meetings, keep their accounts, and take and keep minutes of their proceedings, and do and perform all such other acts and things as may be required of him: And the person so to be appointed shall hold his office during the pleasure of the said Board, and shall be allowed a salary to be fixed by the said Board, not exceeding one hundred and twenty-five pounds per annum, to be paid quarterly by the Treasurer of the Island, on the orders of the Commissioners.

6. Whereas by the Act of the Twenty-sixth of April, One thousand seven hundred and eight, relating to the settlement of the public accounts, any six of the Commissioners appointed to carry out the provisions thereof form a quorum, and by the Act of the Twentieth of November, One thousand eight hundred and forty-eight, for consolidating and amending the several laws relating to the market of Bridge-Town, any five of the Commissioners appointed to carry out the provisions thereof form a quorum: And whereas it would tend to facilitate the transaction of the business of those departments if the quorums were reduced: Be it therefore enacted, That all acts, matters, and things required and authorized to be done by the Commissioners respectively appointed and to be appointed under said Acts, shall and may be done by any three of the said Commissioners sitting together and acting as a Board.

7. Whereas by the Act of the Twenty-fourth of October, One thousand eight hundred and fifty, relating to the education of the people, any four of the Commissioners appointed to carry out its provisions form a quorum: Be it therefore further enacted, That all acts, matters, and things required and authorized to be done by the Commissioners appointed and to be appointed under said Act, shall and may be done by any three of the said Commissioners sitting together and acting as a Board.

No. 299.
10 November 1856.

No. 299.

10 November 1856.]—AN ACT to authorize Monthly payments of all fixed Claims on the Government of this Island.

WHEREAS some of the fixed claims on the Government of this Island are paid monthly, and it is expedient that authority be given for payment in like manner of all other fixed claims: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Salaries, &c., to be paid monthly instead of quarterly.

Officers of the Assembly and of public boards to be

1. The fixed claims on the Government of this Island in respect of salaries, services, and allowances which are now payable quarterly or at a more prolonged period shall in future be paid monthly under the like authority as the same are at present paid.

2. Certificates from the Speaker of the House of Assembly and from the chairman of any Board of Commissioners, in reference to the salaries of officers and fixed allowances for services or otherwise within their

respective departments, shall be sufficient for the purposes of this Act to authorize monthly payments as aforesaid.

3. When warrants are required by law from the Governor in Council authorizing the payment of any such fixed claims, the warrants to the Treasurer of the Island shall embrace the period of a quarter, and be issued at the commencement of such quarter, and the Governor shall issue monthly orders for payment by the Treasurer of the sums of money mentioned in such quarterly warrants.

4. Public officers receiving fees to the public use shall account for the same according to law at the end of every month, and until such accounting shall be had, such public officers shall not be paid their monthly claims.

5. This Act shall not interfere with the provisions of the fifth clause of an Act of this Island of the Tenth of February, One thousand eight hundred and fifty-five, requiring church registers to be returned to the Secretary of the Island.

No. 299.
10 November 1856.

paid on certificate from speaker or chairman.
An advance warrant to be issued quarterly by the Governor in Council, and monthly orders to be made by the Governor.
Public officers receiving fees to account monthly.

No stipend to be paid to the rectors until their registers have been sent in.

No. 300.

22 November 1856.]—AN ACT to amend an Act to provide for the care and maintenance of persons afflicted with Leprosy.

No. 300.
22 November 1856.

WHEREAS it is expedient to amend the law relating to the care and maintenance of persons afflicted with leprosy: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. So much of the third section of an Act passed the Twenty-fourth of January, One thousand eight hundred and forty-six, as relates to the repairs of the Lazaretto, and the whole of the ninth section of said Act, shall be and the same are hereby repealed.

Repeals law which vested the repair of the Lazaretto in the Town-hall Committee,

2. The Board of Superintendence shall take care that the buildings of the Lazaretto are at all times kept in proper repair and sufficiently furnished with all necessary things for the use of the patients therein, and they shall from time to time make and give such orders and directions as to them may seem fit for the proper supply of food, medicines, and clothing requisite for persons afflicted with leprosy; and in order that funds may always be at their disposal to meet the cost thereof, and otherwise for the purposes of the Lazaretto, the said Board shall at the end of every quarter, or at such other time as may be found necessary, certify to the Governor in Council the amount of money which will be required during the three months next ensuing for the purposes of the Lazaretto; and the Governor in Council is hereby authorized and respectfully requested to issue a warrant to the Treasurer of the Island requiring him to apply the amount of the money therein specified for the use of the Lazaretto, as the same shall be drawn for by the Board of Superintendence, who are hereby required to draw orders accordingly on the said Treasurer for payment of such repairs and supplies, the salaries of the officers, servants, and attendants of the establishment, and all other incidental and necessary expenses.

and transfers the maintenance of the building, as well as the supply of all necessaries for the lepers, to the commissioners of superintendence, who are to frame periodical estimates upon which the Governor and Council will issue their warrant.

3. This Act and the hereinbefore recited Act shall be construed together as one Act.

Act to be construed with previous Act.

No. 301.

31 January 1857.]—AN ACT to provide for the establishment and maintenance of a Court of Appeal.

No. 301.
31 January 1857.

WHEREAS, by an Act of the Imperial Parliament passed in the session of Parliament holden in the thirteenth and fourteenth years of the reign of her present Majesty, intituled "An Act to authorize the establishment of Courts of Appeal for certain of her Majesty's West India Colonies," it

See Act of 9 January 1858.
Recites the Imperial

No. 301.

31 January 1857.

Act for the establishment of Courts of Appeal in the West Indies,

was enacted, That in case it should appear to her Majesty, that by any Act or Acts to be passed by the Legislatures of Colonies then comprised in the commission of the Governor of Barbados, or any of such Legislatures, and confirmed by her Majesty with the advice of her Privy Council, due provision had been made for the establishment and maintenance of such Court of Appeal as thereafter mentioned, and for defining the jurisdiction of such court, in relation to the colony or colonies for which such Act or Acts might be passed, it should be lawful for her Majesty, by any order to be by her made, with the advice of her Privy Council, to erect and establish for and in relation to the colony for which such Act or Acts might be passed, a Court of Appeal, to consist of such judge or judges, and to have such ministerial or other officers thereof as by such Act or Acts might be provided, and that such court should hold its sitting in such place or places within the said colonies or any of them, and at such times, and should have such jurisdiction for the hearing and determining of such appeals from judgments, decrees, orders, rules, and other determinations of all or any of the courts of such colony or colonies, as by such Act or Acts might be provided: And whereas it is desirable to expedite and facilitate the hearing and determination of appeals from the superior courts of this Island, and to establish a tribunal which shall be more accessible and less expensive than that of her Majesty in Council, and to make further amendments in the administration of the criminal laws: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

and authorizes a court for this Island,

to consist of the several chief justices in the Windward Islands.

Form of oath to be taken by the judges.

The court to be one of record, and to have a seal.

Appointment and remuneration of registrar and marshal.

Sittings of the court.

1. It shall be lawful for her Majesty to erect and establish in this Island, in the manner in the said hereinbefore recited Act mentioned, one superior court of judicature, to be called "the Court of Appeal."

2. The said court shall consist of and be holden by the chief justices of Barbados, Saint Lucia, Saint Vincent, Grenada, and Tobago, or the persons acting in their capacities for the time being.

3. Each of the said judges shall, previously to his sitting in the said court, appear before the Governor and take the oath following, that is to say: "I, A. B., do sincerely swear that I will execute and discharge the duties, powers, and trusts of my office of judge of the Court of Appeal according to the best of my knowledge, skill, and ability, and that I will not delay or deny justice, nor by favour or collusion or connivance wilfully delay the holding of the said court; that I will receive no fee, reward, or emolument from any suitor of the said court for anything to be by me done in my office, but that I will avoid corruption, and duly and impartially administer justice to all parties and in all cases which shall come before the said court, according to law and without interest, partiality, prejudice, fear, favour, or affection for any."

4. The said court shall be a court of record, and it shall be lawful for the Governor to order and procure a suitable seal for the said court, and proper books for the record of the proceedings, judgments, orders, and sentences of the said court, and to issue a warrant in Council on the Treasurer of the Island for any sum not exceeding Thirty Pounds for the cost of the same.

5. The prothonotary of the Court of Common Pleas shall be the registrar and the Provost-Marshal of the Island shall be the marshal of the said Court of Appeal in this Island, and shall respectively have such power and authority, and perform such duties, and receive such fees as shall be necessary for the due conduct and discharge of the business of the said court, and as the justices thereof shall direct and award, and a table of such fees settled by the judge shall be kept in the office of the registrar for general information.

6. The said Court of Appeal shall hold its sittings, for the hearing of appeals as hereinafter mentioned from the courts of this Island, in the city of Bridge-Town, and such sittings shall commence on the second Monday in the month of January, and on the second Monday in the

month of July in each year; and any three of the said justices shall constitute a court for the transaction of business in the said court, and any one justice shall constitute a court for the purpose of adjournment only: Provided always, That in cases where it shall be necessary, the Chief Justice of Barbados shall, upon due notice being given to him, either attend in court and read his notes or deliver his report of the trial to the judge who shall be the junior judge of the Court of Appeal for that cause, who shall, when the case is called on, read the said report: Provided always, That if on any occasion it may be found necessary or more convenient to commence the sittings of the said Court of Appeal on other days than those hereinbefore fixed for that purpose, it shall be lawful for the Governor, by proclamation to be published in the official *Gazette* of this Island, to appoint and fix some other days in the year on which the sittings of the said court shall commence.

7. In all sittings of the said court the judgments, orders, and other determinations of the majority of the judges sitting and forming the court shall be deemed and taken to be the judgments, orders, and other determinations of the court; and such judgment or judgments shall be delivered in open court in like manner as the judgments of the superior courts of common law at Westminster or Dublin, as the case may be, are delivered: Provided always, That if on any appeal to the said court the judges should not be prepared to deliver their judgments before the conclusion of the business at the sitting of the court at which such appeal has been heard, it shall be lawful for the judges, with consent of parties at any time before the next sitting of the court, to deliver their judgments in writing to the registrar of the said court, and such judgment shall be as valid to all intents and purposes, and have the same force and effect, as if the same had been delivered in open court at the last sitting of the said court.

Judgments, orders, &c., of the court, how to be delivered.

8. It shall be lawful for either of the parties, plaintiff or defendant, to appeal to the said Court of Appeal against any judgments, decrees, orders, rules, and other determinations of the Chief Justice of Barbados in the exercise of his legal, equitable, and ecclesiastical jurisdiction; and the judgments, orders, and other determinations of the said Court of Appeal shall be binding upon parties to suits now or hereafter to be instituted in the courts below, to all intents and purposes as the judgments, orders, and other determinations of the said courts, and shall and may be enforced as if the same were the judgment, order, or other determination of the court from whence the appeal shall proceed.

Appeal to lie from the decision of the Chief Justice of Barbados.

9. The party intending to appeal from any such judgment, decree, order, rule, or other determination of the Chief Justice of this Island, shall give notice in writing by his counsel or attorney of such his intention, within three days after the making or pronouncing of such judgment, decree, order, rule, or other determination, a copy of which notice and proof of the service thereof, by affidavit to be sworn before the Chief Justice, being filed in the Registrar's office, shall operate to stay all proceedings in relation to the execution or further prosecution of the judgment, order, sentence, or decree which shall be the subject-matter of appeal, until such appeal be disposed of: Provided always, That every appellant shall, as a condition precedent to such stay of proceedings, execute security for costs by bond, with two sufficient sureties, to the Registrar of the said court, in such sum as the Chief Judge shall direct, for the due prosecution of his appeal within six months, otherwise the judgment, order, sentence, or decree of the court below or appeal from, shall stand confirmed.

Notice of appeal how to be served.

Appellant to give bond for its prosecution.

10.

Repealed.

11. When any person shall have been convicted of any treason, felony, or misdemeanor, before the Court of Grand Sessions, the Chief Justice or Judge before whom the case shall have been tried, may in his discretion reserve any question of law which shall have arisen on the trial for the consideration of the Judges of the Court of Appeal, and

Questions of law in criminal cases may be reserved for this court.

No. 301.

31 January 1857.

How questions of law
are to be stated, and
how judgment is to be
given and carried out.

thereupon shall have authority to respite execution of the judgment on such conviction, or postpone the judgment until such question shall have been considered and decided, as he may think fit; and in either case the court in its discretion shall commit the person convicted to prison, or shall take a recognizance of bail, with one or two sufficient sureties, and in such sum as the court shall think fit, conditioned to appear at such time or times as the court shall direct, and receive judgment, or to render himself in execution as the case may be.

12. The Chief Justice shall thereupon state, in a case signed in the manner now usual in the like cases in England, the question or questions of law which shall have been so reserved, with the special circumstances upon which the same shall have arisen, and such case shall be referred to the said Judges of the said Court of Appeal, and the said Judges shall thereupon have full power and authority to hear and finally determine the said question or questions, and thereupon to reverse, affirm, or amend any judgment which shall have been given on the indictment or inquisition in question, on the trial whereof such question or questions have arisen or to avoid such judgment, and to order an entry to be made on the record, that in the judgment of the said Judges the party convicted ought not to have been convicted or to arrest the judgment, or order judgment to be given therein at some other session of the Court of Grand Sessions, if no judgment shall have been before that time given, as they shall be advised, or to make such other order as justice may require; and such judgment and order, if any, of the said Justices, shall be certified under the hand of the senior Judge or Judges presiding at the time of the giving the said judgment or making of the said order, to the Clerk of the Crown, who shall enter the same on the original record in proper form, and a certificate of such entry under the hand of the Clerk of the Crown, in the form as near as may be, or to the effect mentioned in the schedule annexed to this Act with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted by him to the Provost-Marshall or gaoler in whose custody the person convicted shall be, and the said certificate shall be a sufficient warrant to such Provost-Marshall or gaoler for the execution of the judgment as the same shall be so certified to have been affirmed or amended, and execution shall be thereupon executed on such judgment, and for the discharge of the person convicted from further imprisonment if the judgment shall be reversed, avoided or arrested, and in that case such Provost-Marshall or gaoler shall forthwith discharge him, and also the next Court of Grand Sessions shall vacate the recognizance of bail, if any; and if the Court of Grand Sessions shall be directed to give judgment the said court shall proceed to give judgment at the next session.

Cases may be sent
back to be amended.

13. The said Court of Appeal, when a case has been reserved for its opinion, shall have power, if they think fit, to cause the case or certificate to be sent back for amendment, and thereupon the same shall be amended accordingly, and judgment shall be delivered after it shall have been amended.

Writs of error in
criminal cases how to
issue and to be dealt
with.

14. Writs of error may, on sufficient probable cause shown to her Majesty's Attorney-General for this Island, be brought upon any judgment or any indictment, information, presentment, or inquisition in any criminal case, but such writs shall hereafter be made returnable only before the Judges of the said Court of Appeal, any law or statute to the contrary notwithstanding, and proceedings being thereupon had as in the case of writs of error: whenever the said court shall reverse the judgment, it shall be competent for the said court either to pronounce the proper judgment or to remit the record to the court below in order that such court may pronounce the proper judgment upon such indictment, information, presentment, or inquisition.

Copies of judgments,
&c., certified by the
registrar to be good
evidence.

15. Copies of the judgments, orders, or other determinations of the said Court of Appeal, certified under the hand of the Registrar and seal of the said court, shall be conclusive evidence of such judgments, orders,

or other determinations, and of all matters therein contained in all legal proceedings, and in all and singular the courts of this Island.

No. 301.
31 January 1857.

16. It shall be lawful for the Judges of the said court, jointly, or any three or more of them, to make such rules, orders and regulations respecting appeals and the practice and mode of proceeding in the same, and the conduct and duties of the officers and practitioners therein, as to them shall seem fit: Provided always, That all such rules, orders, and regulations so made as aforesaid shall be laid before the Governor in Council for the time being, for his approval and sanction; and no such rule, order, or regulation shall take effect or be of any force whatever until two months after the same shall have been so laid before the Governor for his approval and sanction: Provided always, That it shall be lawful for her Majesty in Council to disallow any such rule, order, or regulation.

Rules of court to be made and laid before the Governor in Council.

17. As well the costs of defending any judgment, order or other determination appealed from, as of prosecuting any appeal, or in any matter intervening in any cause of appeal and the costs on either side, or of any party to the subject-matter of appeal and the costs of opposing any matter which shall be referred to the said court, shall be paid by such party or parties, person or persons, and in such proportions as the court shall order, and such costs shall be taxed by the Registrar under the order and direction of the court.

Costs to be paid as the court shall order, and to be taxed by the registrar.

18. The judgments, orders, and sentences of the Court of Appeal shall and may be enforced in this Island by all necessary writs under the hand and seal of the Judge or officer, whose duty it may be to issue similar writs in the court wherein the judgment, order, or sentence against which the appeal was made was first pronounced.

Judgments to be enforced in same way as in the court of first instance.

19. It shall be lawful for the Governor to draw upon the Treasurer of the Island for any sum not exceeding in any one year the sum of three hundred and fifty pounds, as may be requisite to defray a just proportion of the expenses of the said court.

Authorizes an expense of 350*l.* for expenses.

20. Every person who shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to have been forged or altered, any certificate of or copy certified by the senior Judge or Judge presiding at the time, or any certificate of or copy certified by the Registrar of the said court or his deputy, with intent to cause any person to be discharged from custody, or otherwise prevent the due course of justice, shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the court to be transported beyond the seas for any term not exceeding Ten Years, or to be imprisoned for any term not exceeding Three Years, with or without hard labour, and solitary confinement, both or either, at the discretion of the court.

Penalty on forging or altering documents.

21. The right of the Chief-Justice of this Island to his full salary as Chief Judge shall not be in any way affected by his absence from the Island while in the performance of his duties as a Judge of the said Court of Appeal, any law or statute to the contrary notwithstanding.

The chief justice not to lose any salary by reason of his absence as a member of Court of Appeal.

22. And whereas doubts may arise whether the appointment of a Member of the Assembly to act as Chief Judge of this Island during the absence of the Chief Judge on duty as such Judge of the Court of Appeal as aforesaid would not vacate the seat of such Member of Assembly: Be it enacted, That no person being a Member of the said General Assembly who may be appointed to act as aforesaid shall be deemed, by the acceptance of such office, to have vacated his seat in the said General Assembly.

Party acting for the chief judge in his absence, if a member of Assembly, not to vacate his seat.

SCHEDULE.

Whereas at the session of the Court of Grand Sessions held at Bridge-Town for the Island of Barbados, on the _____ day of _____ before _____ Chief Justice of the said court, A. B., late of _____ having been found guilty of felony, and judgment thereupon given that

This is to certify, That the said Judges having met and held a court at Bridge-Town in the Island of Barbados, on the _____ day of _____ it was considered by the said Judges there, that the said judgment should be annulled, and an entry made on the record that the said A. B. ought not in the judgment of the said Judges to have been convicted of the felony aforesaid; and you are therefore hereby required forthwith to discharge the said A. B. from your custody.

Signed by

Registrar of the Court of Appeal.

No. 302.
12 March 1857.

No. 302.

WHEREAS it is expedient to make the house of correction at district C an auxiliary prison to the common gaol, and the house of correction at district A an auxiliary prison to the female prison at district E: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Governor may remove male prisoners to C and female prisoners to A, and may instruct the police magistrates to commit to these houses of correction, which shall be subject to the usual gaol rules.

1. It shall be lawful for the Governor to issue an order or orders from time to time for the removal of male prisoners from the common gaol to the said house of correction at district C, and for the removal of female prisoners from the house of correction at district E to the said house of correction at district A, in the manner prescribed in the first clause of the Act of the Fourteenth of September, ~~One thousand eight~~ hundred and forty-seven, "to extend the provisions of an Act entitled 'An Act to authorize the removal of prisoners from the common gaol to the house of correction;'" and it shall also be lawful for the Governor to issue instructions from time to time to all or any of the Police Magistrates requiring them to commit prisoners sentenced by them to hard labour, if males to the said house of correction at district C, and if females, to the said house of correction at district A, instead of committing them direct to the said common gaol or house of correction at district E; and the Governor may from time to time, as he shall see fit, annul, alter, or limit such instructions in reference to any of the said Police Magistrates; and the prisoners so removed or committed direct to the said houses of correction at districts A and C shall be subject and liable to the same rules and regulations for the maintenance of discipline and the carrying out of their sentences whilst in either of the said houses of correction at districts A and C as they respectively would have been subject and liable to if they were confined in the common gaol or in the said house of correction at district E; and all such rules and regulations of the common gaol or of the said house of correction at district E, which would have affected any prisoner removed or committed as aforesaid, if held in confinement in the common gaol or in the said house of correction at district E, shall be in full force and effect with respect to each such prisoner whilst in either of the said houses of correction at districts A and C.

Authority for altering

2. It shall be lawful for the Commissioners appointed under the Act

Regulating the Selling of Fresh Fish within the City of Bridge-Town. 505

No. 302.
12 March 1857.

and repairing
the prisons.

of the Tenth of November, One thousand eight hundred and fifty-six, to facilitate the transaction of the public business, to make such alterations, improvements, and repairs to the buildings at said districts A and C as may be necessary, the better to adapt them as auxiliary prisons for the purposes aforesaid: And the Governor in Council is hereby authorized, on the application of the said Commissioners, to issue warrants from time to time to the Treasurer of the Island, for payment of such expenses as may be incurred in and about the same: And the Clerk of the said Board shall lay before the Legislature, at the end of each quarter, statements in detail of all expenses so incurred.

3. So long as the said houses of correction at districts A and C shall be regarded as auxiliary prisons for the purposes aforesaid, it shall be lawful for the Governor to appoint a keeper to each of said auxiliary prisons, and an annual salary of sixty pounds shall be paid to the keeper at district A, and an annual salary of sixty pounds to the keeper at district C.

Salaries to keepers.

4. For the better security of the prisoners confined in the common gaol, it shall be lawful for the Provost-Marshal to appoint, with the approval of the Governor, an additional turnkey, at a salary of fifty pounds per annum, and a gate-keeper, at a salary of thirty pounds per annum.

Additional officers to
the common gaol.
See Act of 11 Feb-
ruary 1863.

5. Whereas, by an Act passed the Tenth of November, One thousand eight hundred and fifty-three, the sum of fifteen thousand pounds was granted to complete the prison at Glendairy, then in course of erection under the authority of the Town Hall Commissioners: And whereas the said Commissioners erected at Glendairy a prison capable of containing seventy-two prisoners, but such prison is altogether inadequate to the wants of the Island: And whereas a balance of the said sum of fifteen thousand pounds so granted as aforesaid remains unappropriated by said Commissioners, and it is expedient that said balance should immediately be applied in providing additional prison accommodation at Glendairy: Be it further enacted, That the said Town Hall Commissioners shall be, and they are hereby authorized and directed to expend the said balance of said sum of fifteen thousand pounds in enlarging the said prison at Glendairy, or in erecting an additional prison thereat as shall be deemed most advisable; but before proceeding with the same, plans and estimates thereof shall be laid before the Legislature; and the Governor in Council is hereby authorized and requested to issue warrants from time to time to the Treasurer of the Island for payment of such sums of money as may from time to time be required by the said Town Hall Commissioners for the purposes of this clause, not exceeding the unappropriated balance of the said sum of fifteen thousand pounds.

Additional prison
accommodation to
be provided at
Glendairy.

6. Prisoners sentenced to hard labour and confined in any of the prisons or houses of correction, may by order of the Governor be employed on the roads and other public works under such conditions and restrictions as he shall think fit. And the Governor shall appoint proper superintendents at such salaries as shall be fixed by any Board of Commissioners appointed to facilitate the transaction of the public business.

Prisoners sentenced
to hard labour may be
employed on the roads.

No. 303.

No. 303.
4 June 1857.

4 June 1857.]—AN ACT to regulate the selling of Fresh Fish within the City of Bridge-Town.

WHEREAS it is deemed expedient to regulate the sale of fresh fish within the limits of the city of Bridge-Town: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

1. The Commissioners of the market shall immediately after the passing of this Act select some fit and suitable place in addition to the

Commissioners of the
market to erect a shed

No. 303.
4 June 1857.

for a fish market in addition to the public market.

Such shed not to be erected in the burnt district.

Fresh fish not to be exposed for sale in any place except the public markets, without sanction of Commissioners. Nothing in this Act to prevent the purchase of fresh fish brought to private residences for sale.

Fishing-boats not to be made fast to wharves or bridges except for purpose of landing fish. To have name of proprietor and name of boat marked on stern. Fresh fish may be sold in the new market free of tolls under rules to be made by Commissioners.

Fishing-boats to be kept clean.

Fish not to be cleaned nor deposited in the streets.

Persons to be employed to keep fish markets clean, to be paid out of market tolls.

Penalties, how recoverable.

Police regulations of market and rules of Commissioners to extend to fish markets. Fish markets to be under control of clerk of market.

Penalties not to be enforced until the expiration of forty days after passing of Act. Repeals 14th clause of Act 20th November 1848 after expiration of forty days.

No. 304.
4 June 1857.

Preamble.

public market as another fish market, and shall cause a shed to be erected thereon, together with all necessary conveniences for the selling of fish; and until such shed is erected they are hereby empowered to procure some other fit and proper place for that purpose, and the Governor is hereby authorized and empowered to issue his warrant in Council to the Treasurer of the Island requiring him to pay to the order of the said Commissioners, or a sufficient Board of them, such sum of money as may be required for the purposes aforesaid: provided always, that such shed shall not be erected in the burnt district.

2. It shall not be lawful for any one to expose fresh fish for sale in the streets or lanes of the city of Bridge-Town, or in any shop or other place except the public markets, without the sanction of the market Commissioners being first had and obtained, and under such rules and regulations as they shall deem necessary; provided nothing in this Act shall be construed to extend to prevent persons from purchasing fresh fish brought to private residences for domestic consumption.

3. It shall not be lawful for any person to make fast any fishing-boat to any part of the wharves or bridges, except when actually engaged in landing fish, and the proprietor of such boat shall have his Christian and surname and the name of the boat marked in legible characters at full length on the stern, and shall be responsible for the same.

4. Persons to be allowed to sell fresh fish in the new market to be provided or erected by the market Commissioners free of all tolls, under such rules and regulations as the said Commissioners may deem necessary.

5. Fishing-boats to be kept clean and free from filth, and the proprietors to be responsible for the same.

6. No person shall scale, clean, or deposit any fish in any of the public streets, lanes, or thoroughfares of the city.

7. The clerk of the market to employ, with the sanction of the market Commissioners, fit and proper persons to keep the public fish markets clean, the services of whom are to be paid for from the market tolls.

8. Persons offending against any of the provisions of this Act, or the rules and regulations of the market Commissioners made in conformity therewith, shall incur a fine for each offence not exceeding Twenty Shillings, to be recovered before a Police Magistrate, as in the case of servants' wages, on the complaint of the clerk of the market, a police officer, constable, or householder.

9. The police regulations of the public market, and such rules and regulations as the Commissioners of the market shall determine on, to extend to the fish markets; and the same shall be under the control of the clerk of the market.

10. The fines and penalties under this Act not to be enforced until the expiration of forty days after the passing of the same.

11. The fourteenth clause of the Consolidated Market Act of the Twentieth of November, One thousand eight hundred and forty-eight, relating to the sale of fresh fish on the pier-head, shall, after the expiration of the aforesaid forty days, stand repealed.

No. 304.

4 June 1857.]—AN ACT to make further provision in aid of the Police Reward Fund.

WHEREAS the income of the Police Reward Fund consists of monthly stoppages from the pay of the Force, of fines on police officers, of penalties and portions of penalties awarded to police officers, and paid by police magistrates into the Public Treasury; and of fines imposed by the Inspector-General on police officers: And whereas it appears by message

of the Second of December, One thousand eight hundred and fifty-six, from his Excellency the Governor to the House of Assembly, that the annual amount of the means thus provided by law to maintain the fund is insufficient to meet the charges thereon: And whereas the fees for services rendered by the police in executing writs, warrants, and orders of the police magistrates, which formed no part of their duties as originally constituted, being now paid into the Public Treasury, and included in the general revenue, it is deemed expedient to make further provision in aid of said fund: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That an annual sum of five hundred pounds, from the Public Treasury, commencing from the First day of June, in the present year, shall be applicable to an augmentation of the income of the Police Reward Fund, to meet the charges thereon; and which sum shall from time to time be drawn for, in such proportions as the same may be required, by warrants of the Governor in Council.

No. 304.
4 June 1857.

An annual sum of 500*l.* granted in aid of the Police Reward Fund.

No. 305.

No. 305.
24 July 1857.

24 July 1857.]—AN ACT to extend the Hour for keeping Shops open on Saturday Nights.

WHEREAS by the Act of this Island passed the Fourteenth of March, Preamble. One thousand eight hundred and twenty-seven, entitled, "An Act the "better to regulate the Hours within which Shops shall be open for the "retail of Spirituous Liquors and other Articles," it is provided that such shops shall be shut up and closed by eight o'clock in the evening, and shall not be opened before six o'clock in the morning, under the penalty therein provided: And whereas it is deemed expedient to extend the hour for keeping such shops open on Saturday nights: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. The time of keeping shops open on Saturday nights is hereby extended to ten o'clock. Shops may be kept open on Saturday nights until 10 o'clock.
2. So much of the recited Act as imposes a penalty for a breach of the same is hereby repealed. 14th March 1827 as imposes a penalty for breach of same repealed.
3. Every person offending against the provisions of said recited Act, or who shall after the hour of ten o'clock on Saturday nights keep his shop open (except for the sale of drugs), shall for each offence incur a penalty not exceeding Two Pounds, such penalty to be to her Majesty, her heirs and successors, for the uses of this Island, and to be recovered on the complaint of any person, as in the case of servants' wages. Penalty for offences against Act of 14th March 1827, or for keeping shop open after 10 o'clock on Saturday nights. Druggists' shops excepted.
4. The recited Act and this Act shall be construed together as forming one Act. The Act of 14th March 1827 and this Act to be construed together.

No. 306.

No. 306.
24 July 1857.

24 July 1857.]—AN ACT to place the Chapels of Saint Saviour and Saint Simon, in the Parish of Saint Andrew, under the care and control of the Vestry of said Parish.

WHEREAS the Rector, Churchwarden, and Vestry of the parish of Saint Andrew have presented a petition to the General Assembly praying that an Act might be passed for placing the said chapels of Saint Saviour and Saint Simon under the control of the Vestry of the said parish, and that they might be authorized to exercise the same power and control over the said chapels as by law are exercised by them in respect of their parish church, and that they might be empowered to maintain the said chapels at the cost of the parish in like manner as the parish church is maintained by them: And whereas it is deemed expedient to grant the prayer

508 *Providing for erection of Public Buildings in Bridge-Town.*

No. 306.
24 July 1857.

The chapels of Saint Saviour and Saint Simon placed under the Vestry of the parish of Saint Andrew as fully as the parish church, and to be maintained in the same manner.

of the petition: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That from and after the passing of this Act, the said chapels of Saint Saviour and Saint Simon in the said parish of Saint Andrew shall be, and are hereby declared to be, under the care and control of the Vestry of the said parish of Saint Andrew; and the said Vestry are hereby fully authorized to exercise the same powers and control over the said chapels as fully, to all intents and purposes, as are at present exercised by them by law in respect of the parish church; and they are hereby authorized and empowered to maintain the said chapels of Saint Saviour and Saint Simon at the cost of the said parish of Saint Andrew in the same manner as the parish church is maintained by them, any law to the contrary notwithstanding: Provided always, That nothing in this Act contained shall extend or be construed to extend to affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies, politic or corporate, or of any other persons except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 307.
13 August 1857.

No. 307.

13 August 1857.]—AN ACT to provide for the Erection of Public Buildings in the City of Bridge-Town.

[Clauses 3 & 4 repealed.]

Preamble.

WHEREAS it is expedient that certain buildings should be erected in the burnt district, in which the meetings of the Legislature shall be held, the Custom House and public offices kept, and accommodation provided for offices connected therewith: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That—

Four members of Council and seven members of Assembly to be Commissioners to carry this Act into execution.

1. It shall be lawful for the Governor of this Island to appoint four members of her Majesty's Council, and for the Speaker of the House of Assembly to appoint seven members of the General Assembly, to be Commissioners to carry this Act into execution, and also, from time to time, to fill up all vacancies that may happen by death or otherwise amongst the said Commissioners; and until such vacancies shall be filled up it shall be lawful for the surviving or continuing Commissioners to act as if no such vacancy or vacancies had occurred; and such Commissioners shall continue to have and exercise all and every the powers and authorities given to them by this Act; notwithstanding the dissolution or prorogation of the Legislature, and if re-elected shall continue to have the same powers without any fresh appointment.

How vacancies in the commission are to be supplied.

Three to be a quorum.

2. All acts, matters, and things which the said Commissioners for the execution of this Act are by this Act authorized to do or execute may be done and executed by any three or more of such Commissioners.

Commissioners may contract for erection of buildings and supply of materials.

5. The said Commissioners, are hereby authorized to agree with proper persons for the erection of such buildings, and the supply of materials by contract or otherwise, and to execute any agreement in writing on behalf of the public with any person or persons to be employed in the erection of such buildings, and for completing the same in a proper and workmanlike manner, and for supplying materials for the erection of the same: Provided always, That tenders for contracts shall be advertised in the official *Gazette* of the Island, and the lowest and most eligible tender, if approved, shall be accepted by the said Commissioners; and they are hereby required to take a bond or bonds from the contractor or contractors in such penalty as shall seem proper to them, with two good and sufficient sureties, for the due and prompt performance of his or their contract or contracts.

Tenders to be advertised for.

Bonds to be taken for due performance of contracts.

A sum not exceeding 25,000*l.* granted for

6. A sum not exceeding twenty-five thousand pounds to be granted from the public Treasury for the purpose of erecting the said buildings

and the Governor in Council is hereby authorized and required to issue warrants from time to time to the Treasurer of the Island for payment of such sums of money as may from time to time be required by the said Commissioners for the purposes of this Act, not exceeding in the whole the said sum of twenty-five thousand pounds; and the Treasurer of the Island is hereby authorized to set apart such sum and sums of money as shall be mentioned in such warrant or warrants; and from time to time as any sum or sums of money shall become due to the contractor or contractors, the said Commissioners are authorized to draw orders on the Treasurer of the Island for payment of such sums of money to such contractor or contractors.

the erection of the buildings.
See Act 22 June 1859

7. When the said buildings shall be completed and ready for the reception of the public officers, the said Commissioners shall make a report thereof to the Governor in Council, who is hereby required to direct the public officers to remove to the respective offices provided for them, and such public officers shall cause all the public records, documents, books, and papers belonging to their respective offices to be carefully removed to such offices so provided for them.

Commissioners to report completion of buildings to Governor in Council, who is to direct public officers to remove to offices provided for them.

8. By the Act of the Twelfth of June, One thousand eight hundred and forty-four, establishing the salary of the Secretary of the Island, a certain sum is allowed to the Secretary for the hire of an office, and clerks, books, stationery, and other incidental expenses of his office; and it is provided, that if the said Secretary shall hereafter be provided with an office at the public expense, the sum of sixty-six pounds sterling per annum shall be deducted from the allowance therein provided; and by the Act of the Twenty-ninth of July, One thousand eight hundred and fifty-three, fixing the salary of the Treasurer of the Island, it is declared that such salary shall be taken as full remuneration for all services of the offices of Treasurer and Storekeeper for office rent, the hire of clerks, &c., but no provision is made for any deduction should an office be found the Treasurer at the public expense: it is therefore hereby declared that, when the Treasurer shall be provided with an office at the public expense, there shall be a deduction of sixty-six pounds per annum from his salary.

When Treasurer provided with office at public expense 66l. per annum to be deducted from his salary.

9. The said Commissioners shall fix such sum or sums of money for the rents of such offices as shall be occupied by the other public officers, and of the private offices as they shall deem reasonable and proper, with power to vary the same, which rents shall be received by the Treasurer of the Island, who has hereby the same remedies given to him for enforcing payment thereof as appertain to any landlord to recover rent from his tenants.

Commissioners to fix rents of offices occupied by other public officers, and of private offices. Payment of rents, how to be enforced.

No. 308.

No. 308.

13 August 1857.

13 August 1857.]—AN ACT to amend an Act of the 17th of August, 1836, for regulating the Sale of Goods, Wares, and Merchandize by Itinerant Vendors in and about the Roads and Streets of this Island.

WHEREAS it is deemed expedient to amend the Act relating to itinerant vendors of goods, of the Seventeenth of August, One thousand eight hundred and thirty-six: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. Any person desirous of exercising the calling or trade of hawker or pedlar shall produce to the Treasurer of this Island a character or recommendation, signed by some Clergyman, Justice of the Peace, or Churchwarden of the parish to which he shall belong, declaring that, to the best of his information and belief, such person is of fair character and reputation, and a fit person to exercise the trade and occupation of a hawker or pedlar; and if the said Treasurer shall be satisfied that such

Persons desirous of obtaining licences as hawkers or pedlars to provide characters.

No. 308.
13 August 1857.

17. to be paid for licence.

Persons having certificates of character may take out licences for itinerant carriers.
17. to be paid for each such licence.

Such licence may be transferred.

Employer accompanying carrier not to carry articles for sale unless himself licensed.

No person to exercise trade of hawker, &c., unless permitted by provisions of this Act.
Hawkers and carriers to produce licences when required.

Hawker or carrier refusing to give his name, &c., may be apprehended.
Names, number of licence, &c., to be painted on trays, carts, &c.

Persons convicted of dealing in stolen goods, &c., to be deprived of licences and incapacitated from exercising trade of hawker, &c.

Hawker, &c., not to sit in roads to sell goods.
Not to sell by public auction.

Act not to extend to selling in the public market.

Penalty on persons offending against the provisions of this Act.

Owners liable in case

written statement bears the proper signature attached, he shall give the person in whose favour the same may have been made a printed licence, signed and subscribed by himself as Treasurer, authorizing such person to carry on and exercise the calling or trade of hawker or pedlar through all the roads, streets, or lanes of this Island, for one whole year from the date thereof, upon his or her paying for such licence the sum of one pound current money of this Island.

2. If any person having such certificate of character as aforesaid shall be desirous of employing one or more itinerant carriers to vend goods, wares, or merchandize, he shall pay to the said Treasurer one pound current money as aforesaid for each carrier so to be employed; and the said Treasurer shall give to such person a separate licence for each carrier named for the period of one year from the date thereof, inserting therein the name of the carrier as well as of the employer: Provided nevertheless, That it shall be lawful for such person, from time to time during the period aforesaid, to transfer such licence from one carrier to another, by endorsing the name of the carrier holding the licence thereon with the date of transfer, and attaching his signature thereto; but it shall not be lawful for any employer, while accompanying any such carrier for the purpose of sale, himself to carry any articles for sale without being himself also licensed.

3. No person shall presume to exercise the trade or calling of hawker or pedlar or itinerant carrier except such as are permitted by the provisions of this Act.

4. Each person so exercising the trade aforesaid, and each person so employed by him, shall at all times when thereto required by any Justice of the Peace, police officer, constable, or other parish officer, or the master or mistress of any house he shall call at, produce and exhibit his licence for hawking and peddling such articles as aforesaid.

5. Any hawker or carrier refusing to give his name, and that of his employer and place of residence, may be apprehended, and detained at the police station of the district until the case is investigated.

6. Each person who, under the authority of this Act, shall carry or send about any goods, wares, or other articles for sale, shall have his name, and the name of his carrier, and the number of licence, and also the words "Licensed Hawker" or carrier, as the case may be, painted in legible characters on the outside of the trunk, box, tray, package, cart, or other vehicle made use of in the carrying of such goods.

7. Any person so licensed to carry on the trade of hawker, pedlar, or carrier, who shall be convicted of dealing in stolen goods, or holding any illicit traffic in his trade of hawker, or of vending spirits, or wines, or malt, or strong liquors of any kind for drink, shall, in addition to any punishment imposed by law for such offence, be forthwith deprived of his licence, and for ever after be incapacitated from exercising the calling or trade of hawker, pedlar, or carrier.

8. No hawker, pedlar, or carrier, shall sit in any road, street, square, lane, or alley, for the purpose of selling or disposing of goods.

9. No licensed hawker, pedlar, or carrier, shall sell or dispose of any article or thing by public auction.

10. This Act shall not extend, or be construed to extend, to the selling or disposing of any articles or things by wholesale or retail in the public or general market of this Island.

11. On complaint made before any Police Magistrate or Justice of the Peace against any person offending against any of the provisions of this Act, the Police Magistrate or Justice of the Peace shall, on the party being convicted, impose a penalty for each offence not exceeding Five Pounds, with costs, to be to her Majesty, her heirs and successors, for the use of the public; and in default of payment thereof, either immediately or at such period as the Police Magistrate or Justice of the Peace may direct, imprisonment shall be imposed not exceeding One Month.

12. Provided, nevertheless, That the owner of the goods shall be the

party liable to the penalty in cases of carriers selling without a licence, and the carrier or person in charge thereof shall be a competent witness in the case; but should such carrier or person in charge refuse to give up the name of the owner thereof, then the said carrier or person in charge shall be liable to the penalty.

Carriers liable in case of refusal to give up

13. The Act of the Seventeenth of August, One thousand eight hundred and thirty-six, is hereby repealed; but notwithstanding such repeal the licences issued under said Act shall be good and valid during the period for which they were issued.

14. The provisions of this Act, so far as they are applicable, shall extend to the Acts relating to the selling of bread, but not to interfere with the amount paid for licences under said Acts.

bread, not to interfere with amount paid for licence

No. 308.
13 August 1857.

of carriers selling without licence. Carriers competent witnesses. names of owners.

Repeals Act of 17 August 1836. Saves licences granted under that Act.

Provisions of Act so far as applicable to extend to Acts relating to sale of under these Acts.

No. 309.

No. 309.
13 August 1857.

13 August 1857.]—AN ACT to repeal an Act relating to the throwing or firing of Squibs, Serpents, or other Fireworks, and to make other provision in lieu thereof.

WHEREAS the Act of this Island of the Eighteenth day of April, One thousand eight hundred and fifty-three, relating to the throwing or firing of squibs, serpents, or other fireworks, has been found totally insufficient for the prevention of such practices and for the protection of life and property, and it is expedient that the same should be repealed and other provisions substituted in lieu thereof: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.

1. The said recited Act is hereby repealed.

2. If any person after the passing of this Act shall throw, fire, or explode, or cause or permit to be thrown, fired or exploded, any squib, serpent, cracker, or other firework, or any detonating or explosive substance from or out of any house, outhouse, warehouse, balcony, yard, or elsewhere into or upon any street, lane, alley, highway, road, or public thoroughfare; or if any person shall fire, throw, or explode any squib, serpent, cracker, or other firework, or any detonating or explosive substance, in or upon any street, lane, alley, highway, road, or public thoroughfare, or within thirty yards thereof, such person on being convicted of any such offence either by his own confession, the view of a Justice of the Peace or Police Magistrate, or by the oath of one or more credible witness or witnesses, before any Police Magistrate or Justice of the Peace, he shall, in addition to any civil action to which he may make himself liable, forfeit and pay for every such offence a sum not exceeding Fifty Pounds, and in default of payment be committed to the common gaol or house of correction in the parish or district in which the offence was committed, there to be kept with or without hard labour for any time not exceeding Three Calendar Months, unless such forfeiture shall be sooner paid.

Repeals Act of 18 April 1853. Penalty for throwing or exploding fireworks in the public thoroughfares or within thirty yards thereof.

3. Every such person offending as aforesaid shall and may, by authority of this Act, with or without any warrant, be apprehended by any police officer or other person who shall see such offence committed, and shall be conveyed before any Justice of the Peace or Police Magistrate to be dealt with according to law: And if any such person shall refuse to discover his name, it shall and may be lawful for the said Justice of the Peace or Police Magistrate before whom he shall be taken, or to whom any such complaint shall be made, to commit him to the common gaol or house of correction of the parish or district in which the offence was committed, there to be kept with or without hard labour for any time not exceeding Three Months, or to proceed against him for the penalty

Offenders may be apprehended with or without warrant by any person in whose sight offence committed.

Proceedings to be taken against persons refusing to discover their names.

No. 309.

13 August 1857.

Persons at time of committing offence being in any house, &c., and not apprehended, owner of house may be proceeded against.

Penalty on owner refusing to disclose name of offender.

Appropriation and recovery of penalties.

Complaints to be made within ten days after commission of offence.

aforesaid by a description of his person, and the offence only, without adding any name or designation but expressing in the proceedings that he refused to discover his name: And in case the person shall at the time of committing the offence have been in any house, balcony, warehouse, outhouse or yard, and whose name shall not be known, and such person may not be apprehended and taken into custody as authorized by this clause, it shall and may be lawful for any police officer or other person to summon the owner or occupier of such house, balcony, warehouse, outhouse, or yard where the offence was committed, to the intent that such person may be proceeded against according to law: And in case the owner or occupier of such house, outhouse, warehouse, or yard shall wilfully refuse to disclose or give the name of the person who committed the offence, such owner or occupier, unless he can prove he was not on the premises at the time of the commission of the offence, or that he was unable to discover his name, shall be subject and liable to, and shall incur, the like penalty as such person if known would have been subject and liable to, and shall be fined or imprisoned in like manner as if he himself had been actually the offender.

4. All penalties, forfeitures, and fines imposed by this Act shall be to her Majesty, her heirs and successors, and shall be levied and raised, as in the case of servants' wages, on the complaint of any person, and shall be paid into the Public Treasury for the uses of the Island.

5. Provided always, That all complaints for any breach of the provisions of this Act shall be made within ten days after the commission of the offence.

No. 310.

13 August 1857.

No. 310.

13 August 1857.]—AN ACT to empower the Rector and Vestry of the Parish of Saint Andrew to sell and dispose of certain Lands in said Parish.

Preamble.

WHEREAS the Rector and Vestry of the parish of Saint Andrew in this Island have by petition set forth that certain lands in said parish, which were many years ago attached for parochial taxes, and taken into possession by them and rented out for the uses of the parish, and that from the indifferent quality and locality of said lands the owners thereof have declined to redeem the same; wherefore the petitioners have prayed that an Act may be passed authorizing and empowering them to make sale of said lands, and apply the purchase-money to the general uses of the parish: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Rector and Vestry of St. Andrew authorized to sell certain lands attached for parochial taxes. Purchase-money to be applied to the general uses of the parish. Not to affect the rights of the Crown.

1. It shall be lawful for the Rector and Vestry, for the time being, of the said parish of Saint Andrew to sell and dispose of the said lands, in the said parish of Saint Andrew, so held by them as aforesaid, and to sign, seal, and deliver, good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and to apply the purchase-money to the general uses of the parish.

2. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to affect the rights of her most gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any persons whomsoever except such as are hereinbefore mentioned, and those claiming by, from, or under them.

No. 311.

19 August 1857.

No. 311.

19 August 1857.]—AN ACT to enlarge the provisions of the Franchise Act relating to the Revision of the Registers of Voters—1840.

Preamble.

WHEREAS by the Act of the Sixth of June, One thousand eight hundred and forty, to amend the representation of the people, provision is made for revising the registers of voters in cases of death of persons whose

names may be placed on such registers, and in correcting mistakes; but no provision is made to revise and correct the registers with reference to the cases where persons cease to retain the qualifications which conferred the right to have their names placed on the registers: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That the power given by the said recited Act to Police Magistrates or other registering officers to revise and correct the registers of voters in cases of the death of persons whose names may be placed on the registers, and in correcting mistakes, is hereby extended and given to them in cases where persons whose names may be placed on the registers of voters shall cease to retain the qualifications on which they were registered; and on proof thereof the Police Magistrates or other registering officers shall correct the registers by expunging therefrom the names of all persons who have ceased or may cease to retain their qualifications: Provided always, That it shall not be lawful to expunge the name of any person from the register unless previously cited to appear before the Police Magistrate at the time and place to be mentioned in the citation, and if the person be absent from the Island, his constituted attorney or other legal representative shall be cited in his stead.

No. 311.
19 August 1857.

Authorizes police magistrates, &c., to correct the registers of voters by expunging names of persons who shall have ceased to retain their qualifications.

Such persons or their legal representatives to be previously cited.

No. 312.

No. 312.
19 August 1857.

19 August 1857.]—AN ACT for the appointment of a Superintendent of Public Works.

WHEREAS it is deemed expedient to provide for the appointment of a Superintendent of Public Works for the general purposes of the Island: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Preamble.
See Act 30 July 1862.

1. It shall be lawful for the Governor of this Island to appoint from time to time, as occasion may require, a fit and proper person to be Superintendent of Public Works; and the person so appointed shall be paid a salary at a rate of Five hundred pounds per annum.

The Governor to appoint a Superintendent of Public Works, with a salary of 500*l.* per annum.

2. The services of the Superintendent shall be at the disposal of every department of the colony intrusted with the erection of public works and buildings without any additional charge in excess of his salary; and he shall prepare for such departments, plans, specifications, and estimates for new works and buildings to be undertaken, and for alterations, improvements, and repairs to existing public works and buildings: and he shall superintend and inspect all such public works and buildings, and see that the erection, alterations, improvements and repairs of same are faithfully carried out; and he shall see that all contracts entered into in reference to public works and buildings are strictly complied with; and he shall, in all matters and things relating to public works and buildings, render all necessary advice and assistance to the departments in charge thereof; and he shall attend to all such instructions and directions as shall from time to time be given to him by the Governor and the said several departments in reference to the inspection of public works and buildings, and shall report annually to the Legislature on the condition of same.

Superintendent to be at disposal of every department intrusted with erection of public works, &c., without additional charge. To prepare plans, &c., and superintend erection, &c., of public works. To see that all contracts are complied with, &c.

3. From and after the First of March, One thousand eight hundred and fifty-eight, the person so appointed shall not hold any other office or situation in the public service of this Island or in the service of the Crown.

To report annually to the Legislature on condition of public works, &c.

4. In the execution of works and buildings for local purposes undertaken by parochial or other local authority the Governor may, should it appear to him necessary and expedient, require the Superintendent to aid the parties engaged therein with his advice and assistance, and generally to extend to them the benefit of his professional services.

After the 1st March, 1858, Superintendent not to hold any other office in the public service of the Island or under the Crown. The Governor may require Superintendent to aid parochial or other local authorities in execution of works, &c.

No. 312.
19 August 1857.

All plans, &c., furnished by Superintendent public property, and on vacation of office to be delivered to person empowered by the Governor to receive them.

Duration of Act.

5. All plans, specifications, and estimates, and all documents and papers of what kind soever which shall be furnished by the Superintendent of Public Works in the discharge of his duties as such Superintendent, shall be considered public property, and, together with all books, plans, specifications, and estimates and documents, and papers of whatever kind, referring to such Superintendent for safe custody, shall, on the vacation of office by such Superintendent, be delivered to such person as the Governor by his order shall empower to receive them.

6. This Act shall continue in operation for a period of five years from the passing thereof.

No. 313.
19 August 1857.

No. 313.

19 August 1857.]—AN ACT to provide a Provisional Allowance, by way of Salary, to the Medical Officer of District C, whilst the House of Correction at said District is used as an Auxiliary Prison.

Medical officer of district C to receive 12l. 10s. per annum by way of additional salary while the house of correction at district C used as an auxiliary prison.

BE it enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, that the medical officer of district C shall be allowed an additional sum, by way of salary, at the rate of Twelve pounds ten shillings per annum during such time as the house of correction at district C shall be used as an auxiliary prison under the provisions of the Act of the Twelfth of March in the present year, such allowance to commence and be rated from the day on which said house of correction was brought into use as an auxiliary prison.

No. 314.
19 August 1857.

No. 314.

19 August 1857.]—AN ACT to Incorporate the West Indian Church Association for the furtherance of the Gospel in Western Africa

Preamble.

WHEREAS the Bishop of the diocese and many of the clergy and inhabitants of this Island have united together, under the name of "The West Indian Church Association for the furtherance of the Gospel in Western Africa," for the purpose of establishing and supporting one or more missionaries in Western Africa for the propagation of the Gospel, and they have petitioned the Legislature to incorporate them the better to enable them to carry out their charitable designs: And whereas it is deemed expedient to grant the prayer of the petition: May it therefore please your Majesty that it may be enacted, and be it therefore enacted, by the Governor, Council, and Assembly of this your Majesty's Island of Barbados, That—

Trustees declared.

1. The Bishop of the diocese, the Chancellor of the diocese, the Archdeacon of Barbados, the Principal of Codrington College, the Rural Dean of Barbados, and the Rector of Saint Michael's parish, Barbados, are hereby declared to be trustees of the said association; and the trustees for the time being, together with the associates or working members of the association duly elected and qualified according to the rules of the association, shall be and they are hereby declared and adjudged to be one body corporate and politic in deed, name, and law, by the name of "The West Indian Church Association for the furtherance of the Gospel in Western Africa;" and by the same name they shall have perpetual succession, and shall and may use a common seal for the business and affairs of the said association, with power to change, alter, break, and make new the same, when and as often as they shall judge the same expedient; and they and their successors, by the same name, may sue, implead and be impleaded, answer and be answered unto, defend and be defended, in

Association incorporated under the name of "The West Indian Church Association for the furtherance of the Gospel in Western Africa."

May sue and be sued, &c.

all or any court or courts of record and places of judicature, and before any judge, justices, or officers within this Island, in all and singular actions, pleas, suits, matters, and demands of what kind or quality soever they shall be, and may do all acts, matters, and things relating to themselves and their corporate property, real and personal, in as ample a manner and form and as fully and effectually as any other of her Majesty's subjects lawfully may or can; and they and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain for the ends and purposes of this Act, all such goods, chattels, and effects, sum and sums of money, and securities for money, as have been given and bequeathed, or have been by them purchased or accumulated, or which shall or may at any time or times hereafter be paid, given, or bequeathed by any charitable or well-disposed person or persons, or which shall be purchased or accumulated by the said association, of what nature, value, or account soever, to and for the charitable ends and purposes of the said association; and that they and their successors, by the name aforesaid, shall and may for ever hereafter be persons able and capable in the law to purchase, have, take, hold, receive, and enjoy to them and their successors, messuages, lands, rents, tenements, annuities, and hereditaments of what nature or kind soever, in fee and in perpetuity or for terms of lives or years, not exceeding the yearly value of one thousand pounds, in all issues beyond reprises for the better carrying on the charitable ends and designs of the said association; and the said corporation shall have full power to grant, demise, exchange, and dispose of any of the same messuages, lands, rents, tenements and hereditaments whereof or wherein they shall have any estate or interest as aforesaid. And all mortgages and other securities for money held in the names of any persons as trustees of the said society shall be and the same are hereby declared to be transferred to and vested in the said association and its successors, in the corporate name of the said association, as fully as if the same had been assigned and transferred by the trustees in whose names the same are now held to the said corporation. And the said corporation shall have full power to assign, transfer, and dispose of all such mortgages and other securities to which they shall be entitled as the said corporation shall think proper.

May hold personal property to any amount, and real property to the amount of 1000*l.* per annum.

Power to sell lands, &c.

All securities for money in the names of any of the association vested in the corporation.

2. The said trustees and associates, or any five or more of them, shall be a board of management for conducting the business of the said corporation, provided that of that number one at least be a trustee, to be held at such times as shall be appointed for that purpose by the said trustees and associates or any board of them.

Board of management composed of five or more of the trustees and associates.

3. The members of the said corporation assembled, or any board of management of them or the major part of them so assembled (but the members so assembled not to consist of less than five), shall have full power and authority in the name of the said corporation, and on their account, to apply and dispose of the moneys, goods, and effects belonging to the said corporation for the purpose of procuring one or more missionary or missionaries for the furtherance of the Gospel in Western Africa, and for any other purpose relating to the said charity and the benefit thereof, at their discretion, and they have also full power and authority to purchase or take upon lease, or to sell, or agree to sell or let, lands, tenements, or hereditaments, and to direct the investment money, or the sale or exchange of securities, and the general disposition and management of the property of the said corporation, and with and under their common seal to enter into any covenant or contract for the purposes aforesaid, or for any other purpose or purposes for the better effecting and carrying on the charitable designs of the said association: Provided always, nevertheless, That no lands, tenements, or hereditaments shall be purchased or leased, or agreed to be purchased or leased, nor shall any lands, tenements, or hereditaments be sold or let, or agreed to be sold or let, nor shall any money belonging to the said corporation be invested, nor shall any securities belonging to the said corporation be

Power of the board of management.

Consent of trustees necessary in buying, selling, or leasing lands, &c.

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19 August 1857.

Power to make bye-laws.

changed or sold without the consent in writing of the major part of the trustees residing in this Island at the time of every such purchase, lease, sale, or letting of any such lands, tenements, or hereditaments, or investment of any money or charge, or sale of any such securities as aforesaid.

4. It shall be lawful for the said board of management of the said corporation, or the major part of them, at any general or special meeting assembled, to order and dispose of the custody of their common seal and the use and application thereof, and to make, ordain and constitute such bye-laws, constitutions, and ordinances, for the government of the officers and servants of the said corporation, and for the transaction of the business of the said corporation, as to the members present at such general or special meeting, or the major part of them, shall seem necessary and convenient; and from time to time to alter or annul the same and to make other bye-laws, constitutions, and ordinances; and the same bye-laws, constitutions, and ordinances so made shall be duly kept and observed, provided the same be reasonable, and not contrary to the laws of this Island or to the laws or statutes of Great Britain in force in this Island.

Appointment of treasurer and other officers.

5. The said board of management, or the major part of them, shall from time to time, and at all times as occasion shall require, have power to appoint a treasurer or treasurers, secretary or secretaries, or other superior officers as shall be necessary for the transaction of any of the affairs and business of the said corporation, for so long and upon such conditions, and with such salary or emoluments to be paid and allowed out of the funds and effects of the said corporation, as to the said board of management, or the major part of them, for the time being shall seem meet; all or any of which officers may, from time to time, be removed by the said board of management, or the major part of them, and all vacancies filled up.

Treasurer to place moneys in the Colonial Bank.

6. Until otherwise directed by any rule, order, or bye-law to be made as aforesaid, it shall be lawful to and for the treasurer for the time being to place out to the credit of the said corporation in the Colonial Bank all or any sum or sums of money as hath or have been given or bequeathed, or shall at any time hereafter be given or bequeathed, for the charitable ends and purposes of the association.

Question to be decided by vote.

7. All questions upon the proceedings of the said corporation at any meeting of the members or board of management shall be decided by vote, and in case of an equality of votes the chairman of the meeting shall have the casting vote; but no question shall be decided without the presence of five members at the least of the board of management.

Officers of the corporation may be compelled to render accounts on oath.

8. All and every officer or servant of the said corporation shall from time to time when thereunto required by any three or more trustees or associates, or any board of management, make and render to the said board of management a true, exact, and perfect account in writing under his or their respective hands, upon oath to be taken before two or more of the trustees or associates, which oath any two or more of the trustees or associates are hereby empowered to administer, of all moneys and effects which he or they and every of them respectively shall to that time have received, paid, disbursed, or been intrusted with, or by reason of their respective offices; and in case any money or effects, the property of the said association, shall remain in their or any of their hands, the same shall be paid or handed over to the Board of management or any five or more of them, or to such person or persons as the Board of Management or any five or more of them shall appoint to receive the same: and in case any such officer or other person shall not make and render or shall refuse to verify on oath or affirmation any such account, or to make such payment or delivery as aforesaid, then any one or more of the Police Magistrates of Bridge-Town shall and may, upon complaint to him or them, make inquiry of and concerning such default in a summary way, as well by confession of the parties themselves as by the testimony of one or more credible witness or witnesses upon oath (which oath the said

And in case of refusal may be proceeded against in a summary manner.

Police Magistrate or Police Magistrates is or are hereby empowered to administer); and if such officer or person shall be convicted of any such offence such Police Magistrate or Magistrates shall upon such conviction commit the party offending to prison, there to remain without bail or mainprize until he or they shall have made a true and perfect account and payment as aforesaid, or until he or they shall have compounded and agreed with the Board of Management or the major part of them and paid such composition money, which composition the said Board of Management are hereby empowered to make.

9. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others without specially pleading the same. No. 314.
19 August 1857.
Act to be deemed a public Act.

No. 315.

19 August 1857.]—AN ACT for authorizing the making of Waterworks for the City of Bridge-Town, and for incorporating a Joint Stock Company, with limited liability, to carry the same into effect.

No. 315.
19 August 1857.

Preamble.
See Acts of 11 January 1859, 2 February 1859, 3 May 1860, 25 August 1860, 16 July 1862, 11 February 1863, and two Acts of 27 June 1863.

WHEREAS the making of waterworks for the city of Bridge-Town will prove of great public advantage: And whereas it is expedient, for the more advantageously carrying into effect the said undertaking, that a company should be incorporated in the name and with the privileges and immunities, and under and subject to the restrictions and limitations hereinafter contained:

1. May it please your Majesty that it may be enacted, and be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That Joseph Yearwood, Thomas Crumpton, Thomas William Stevens, Plunkett Preston, James Elder, Andrew George Drinan, John Peter White, James Smith, James Thomas Hutchinson, the younger, Samuel Jackman Prescod, John Inniss, James Barclay, David Martindale, David C. Da Costa, Jacob Pinheiro, and all other persons who may be joined or incorporated with them as subscribers towards the said undertaking, and their several and respective successors, administrators, and assigns, shall be and are hereby united into a company for making and maintaining the works by this Act authorized, according to the provisions and restrictions hereinafter mentioned, and for that purpose shall be one body corporate by the name and style of "The Bridge-Town Waterworks Company," and by that name shall have perpetual succession and a common seal, and shall and may sue and be sued in all Courts of law and equity, and also shall have power and authority to agree for, purchase, and hold any lands, tenements, and hereditaments, to them and their successors and assigns, for the use of the said undertaking, and to sell, alienate, and dispose of the said lands, tenements, and hereditaments, or any rights acquired in respect thereof, or any of them, as to the said Company shall seem meet, subject only to such regulations and restrictions as are herein provided: Provided always, That nothing herein contained shall be construed as giving to the said Company any right to use, or dispose of to be used, any land through which they may have obtained by purchase or otherwise a right of way for conveying water in the carrying out of their undertaking, to any other purpose than such conveyance of water, unless power and authority be expressly given to that effect in the deed or instrument of writing making over to them such right of way, or unless special permission to do so shall have been first had and obtained in writing from the owner or his or her attorney.

Certain persons named herein and all others who may be joined with them as subscribers.

Incorporated by the name of "The Bridge-Town Waterworks Company."

Power to purchase and hold lands, &c., and to sell and dispose of the same.

Not to extend to lands through which company may have obtained a right of way for conveying water.

2. The following words and expressions used in this Act and any Act incorporated therewith shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say—words importing the singular number

Interpretation in this and any Act incorporated therewith:

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"Number."
 "Gender."
 "Person."
 "Lands."

"Streams."
 "Water rate."

"Month."

"The undertaking."

"Oath."

"Justice."

"Two justices."

"Street."

"The company."

"Public funds."

"Public authority."

Short title of this Act.

Power to make and
 maintain waterworks

Works not to be pro-
 ceeded with until plan,
 &c., laid before Legis-
 lature for approval.

Approved plan to be
 deposited in Secre-
 tary's office.

Works to be com-
 menced on or before
 1 January 1859, and
 completed on or before
 1 January 1862.

shall include the plural number, and words importing the plural number shall include also the singular number. Words importing the masculine gender shall include females. The word "person" shall include a corporation whether aggregate or sole. The word "lands," shall include messuages, lands, tenements, and hereditaments, or heritages of any tenure. The word "streams" shall include streams, brooks, rivers, and other running waters. The expression "water rate" shall include any rent, reward, or payment to be made to the Company for a supply of water. The word "month" shall mean a calendar month. The expression "the undertaking" shall mean the waterworks and the works connected therewith by this Act authorized to be constructed and the supply of water to Bridge-Town. The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other person allowed by law to make a declaration instead of taking an oath. The word "Justice" shall mean any Justice of the Peace for the Island of Barbados. The expression "two Justices" shall be understood to mean two or more Justices met and acting together. The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place within the limits of this Act. The expression "the company" shall mean the company constituted by this Act. The expression "public funds" shall include funds provided by any body corporate or vestry or by private persons for purposes of public charity. The expression "public authority" shall include all Legislative Committees and all Commissioners appointed by or under any Act of the Legislature charged with the care and superintendence of public works within the city, and any body corporate or vestry having authority within the city.

3. In citing this Act in other Acts of the Legislature of this Island, or in any deed or instrument of writing executed by or to the said company, or in any suit in which the company are party in any of the Courts of this Island, it shall be enough to use the expression "The Waterworks Act."

4. It shall be lawful for the said company, and they are hereby empowered to make, construct, and maintain, all such works as are necessary for the purpose of establishing waterworks for the supplying of Bridge-Town with water for domestic purposes, for the extinction of destructive fires, for cleansing the streets, lanes, gutters, and sewers, and for all other purposes to which water and waterworks are applied or are applicable, and do all such matters and things as to them shall seem necessary or desirable for carrying out their undertaking, subject only to the regulations and restrictions in this Act provided.

5. It shall not be lawful for the company to proceed in the execution of the waterworks, unless they shall, previous to the commencement thereof, lay before the Legislature for approval, a plan and sections of the proposed waterworks prepared on a scale not less than one foot to the mile, and showing all such works in detail, with a book of reference thereto for the better understanding of the same: and the said plan when approved shall be deposited in the Secretary's office of this Island, and the said Secretary shall permit all persons interested to inspect the same at all seasonable times, and to make copies thereof, or take extracts therefrom, on payment of one shilling for every such inspection, and after the rate of one shilling for every hundred words copied therefrom.

6. The company shall commence the construction of the said works on or before the First day of January, One thousand eight hundred and fifty-nine, and shall complete the same on or before the First day of January, One thousand eight hundred and sixty-two, according to the plan required by this Act to be laid before and approved of by the Legislature; and in the event of failure in either case this Act and all advantages to accrue therefrom to the company shall cease and determine without remedy on their part unless by the sanction or consent of the Legislature first had and obtained.

7. If any omission, misstatement, or wrong description shall have been made of any lands or streams, or of the owners, lessees, or occupiers of any lands, or streams described on the plan or in the book of reference so deposited as aforesaid, the company, after giving ten days' notice to the owners, lessees, and occupiers of the lands and streams affected by such proposed correction, may apply to two justices of the peace for this Island for the correction thereof; and if it appear to such justices that such omission, misstatement, or wrong description, arose from mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, misstatement, or wrong description; and such certificate, with the other documents to which it relates, shall be deposited in the Secretary's office of this Island, and shall be kept by the Secretary, together with the other documents to which it relates, and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate, and the company may make the works in accordance therewith.

Errors and omissions in plan, &c., may be corrected by justices, who shall certify the same.

Certificate, &c., to be deposited.

8. True copies of the said plan and sections and book of reference or extracts therefrom, certified by such Secretary, which certificate such Secretary when required shall give to all parties interested, and the same shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

Copies of plans, &c., to be evidence.

9. The company in constructing the waterworks shall not deviate from the line of the works laid down in the said plan more than twenty yards, nor in any case to any greater extent than the line of lateral deviation described in the said plan with respect to such works, nor take, nor use, for the purpose of such deviation, the lands of any person not mentioned in the book of reference without the consent in writing of such person first had and obtained, unless the name of such person shall have been omitted by mistake, and the mistake shall have been certified and corrected in manner hereinbefore provided.

Company not to deviate beyond limits defined upon plan, &c.

10. Subject to the provisions and restrictions in this Act contained, the company may execute any of the following works for constructing the waterworks. They may enter upon any lands and other places described in the plan and book of reference referred to in this Act, and survey and take levels of the same, and set out such parts thereof as they shall think necessary, and dig and break up the soil of such lands, and trench and sough the same, and remove or use, in construction of the said works, all earth, stones, mines, minerals, trees, or other things dug or gotten out of the same. The company shall be authorized to take up and use in the manner herein provided any springs, streams, or waters which may be embraced in the plan referred to in this Act: Provided always, That they shall make a reasonable compensation to the owners or occupiers of such springs or streams for the use thereof, by an annual payment of rent or by purchase, such rent or purchase-money to be agreed upon between the owners or occupiers of such springs, or assessed by a jury in conformity with the provisions of this Act for enabling the company to purchase and hold lands and tenements. They may from time to time sink such wells or shafts, and make, maintain, alter, or discontinue such tunnels, reservoirs, waterworks, cisterns, tanks, aqueducts, dams, drains, cuts, sluices, pipes, culverts, engines, and other works, and erect such buildings upon the lands and streams authorized to be taken by them as they shall think proper, for supplying the inhabitants of the said city of Bridge-Town with water. They may from time to time divert and impound the water from the streams mentioned for that purpose in the said plan or book of reference, and alter the course of any such streams, and also take such waters as may be found in and under or on the lands to be taken for the constructing the works: Provided always, That in the exercise of the said powers the said company shall do as little damage as can be; and in all cases where it can be done shall provide other watering-places, drains, and channels, for the use of adjoining lands, in place of any such as may be taken away or interrupted by them, and

Company subject to provisions of this Act may execute the works herein named.

Company to make compensation for damage.

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Penalty for obstructing construction of works.

Penalty for illegally diverting water.

Reservation of existing rights.

Accommodation works.

Differences as to the construction of to be settled by justices.

If company fail to execute, persons aggrieved may perform the same, and charge the expenses to the company.

Power to break up streets, &c., and to open drains.

Notice to be served

shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

11. Every person who shall wilfully obstruct any person acting under the authority of the company in setting out the line of the works, or pull down or remove any poles or stakes driven into the ground for the purpose of setting out the line of such works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding Five Pounds for every such offence.

12. After the stream or supplies of water hereby authorized to be taken by the company shall have been so taken, every person who shall illegally divert or take the waters supplying or flowing into the streams so taken, or any part thereof, or who shall do any unlawful act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him on being required so to do by the company so as to restore the said waters to the state in which they were before such Act, shall forfeit to the company any sum which may be awarded by two justices not exceeding Ten Pounds for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority of such person; and any sum so forfeited shall be in addition to the sum which he may legally be adjudged liable to pay to the company for any damage which they may sustain by reason of their supply of water being diminished; and the payment of the sum so forfeited shall not bar or affect the right of the company to bring or raise an action at law against such person for the damage so committed.

13. Provided always, That nothing herein contained shall prevent the owners and occupiers for the time being of lands through or by which such streams shall flow, from using the waters thereof in such manner and to such extent as they might have done before the passing of this Act, unless they shall have received compensation in respect of their right of so using such water.

14. In case the company, in the construction of the said works, shall in any way interrupt any of the neighbouring lands or injure the same, so as to render the construction of works to accommodate the said lands, or make good the injury committed upon such lands necessary, then if any difference shall arise respecting the construction of such accommodation works, or the kind or size or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined by two justices, and such justices shall also appoint the time within which such works shall be begun and finished by the company; and if the company shall for fourteen days next after the time appointed by such justices for the beginning of any such accommodation works fail to begin such works, or having begun such works fail diligently to execute the same in a sufficient manner, the person aggrieved by such failure may execute such work or repairs, and the reasonable expenses thereof shall, on demand, be repaid by the company to the person by whom the same shall have been executed; and if there be any dispute about the amount or nature of such expenses, the same shall be settled by two justices.

15. The company may open and break up the soil and pavement of the several streets and bridges within the limits of the plan of waterworks, and may open and break up any sewers, drains, or tunnels, within or under any streets and bridges, and lay down and place within the same limits, pipes, conduits, service-pipes, and other works and engines, and from time to time repair, alter, or remove the same; and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which they shall from time to time deem necessary for supplying water to the inhabitants of Bridge-Town, doing as little damage as can be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

16. Before the company open or break up any street, bridge, sewer,

drain, or tunnel, they shall give to the persons under whose control or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

17. No such street, bridge, sewer, drain, or tunnel, shall—except in the case of emergency aforesaid—be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two justices: and such justices may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, That if the persons having such control or management as aforesaid, and their officer, fail to attend at the same time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the intention of the company as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the company may perform the work specified in such notice without the superintendence of of such persons or their officer.

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on persons having control, &c., before breaking up streets or opening drains.

Streets or drains not to be broken up except under superintendence of persons having control of the same.

If persons having control, &c., fail to superintend, company may perform the work without them.

18. When the company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground and reinstate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby; and shall at all times whilst any such road or pavement shall be open or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept there against, every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the same in good repair for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

Streets, &c., broken up to be reinstated without delay.

19. If the company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the company are authorized to perform such works without any superintendence or notice, or if the company make any unnecessary delay in completing any such work, or in filling in the ground or reinstating or making good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby; or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of six months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding Five Pounds for every such offence, and an additional sum of Five Pounds for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

Penalty for delay in reinstating streets, &c.

20. If any such delay or omission aforesaid shall take place, the In case of delay parties

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having control may
reinststate and recover
the expense.

In consideration of
legislative guarantee
hereinafter mentioned,
a constant supply of
water to be kept at
high pressure for the
use of the inhabitants,
for cleansing the
sewers, &c.

Company not com-
pelled to deliver more
than 500,000 gallons
in one day except in
case of fire.

On complaint as to
quantity or quality the
Governor in Council
may appoint a person
to inquire and report.

Powers of person
appointed.

Penalty for obstruct-
ing inspector.

If complaint well
founded, notice to be
given to company.

Company to remove
ground of complaint.

Penalty for non-
compliance with the
provisions of this
clause.

Parties making
vexatious complaints
to pay expenses of
investigation.

persons having the control or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the company, and such expense shall be recovered in the same way as damages are recovered by this Act.

21. In consideration of the guarantee hereinafter given to the company by the Legislature of this Island, the company shall provide and keep in the pipes to be laid down by them, unless prevented by drought or other extraordinary cause or unavoidable accident, a supply of pure and wholesome water sufficient for the use of all the inhabitants of the city, for cleansing the sewers and drains, for watering the streets, for supplying any public pumps, baths, or wash-houses that may be established for the use of the inhabitants, and for any other such purposes as are required by this Act, inclusive of any supply to private houses: and such supply shall be constantly laid on at such a pressure as will make the water reach the roofs of the highest houses within the said city: and the company shall cause pipes to be laid down and water to be brought to every part of the city within the limits described by the plan of the intended works approved by the Legislature in conformity with the provisions of this Act: Provided that the company shall not be required to deliver a larger quantity of water than five hundred thousand gallons in any one day except in case of fire.

22. If at any time complaint as to the quantity or quality of the water supplied by the company for the purposes of this Act be made to the Governor in Council, by any public authority or by memorial in writing signed by not less than twenty inhabitant householders, it shall be lawful for the Governor in Council, at any time within one month after the receipt of any such complaint, to appoint a competent person to inquire into and concerning the grounds of such complaint, and to report to the Governor in Council thereon; and the person so appointed shall, within three days after such appointment, give notice thereof in writing to the company; and after such notice as aforesaid, he shall have power to inspect and examine the waterworks of the company and to inquire into and concerning the grounds of such complaint, and the company and their officers shall afford all reasonable facilities for such inspection, examination, and inquiry. And any person obstructing such inspector in the due prosecution of such inspection, examination, or inquiry shall forfeit and pay any sum not exceeding Ten Pounds; and if after receipt of such report it shall appear to the Governor in Council that the said complaint is well founded, the Governor in Council shall give notice thereof in writing to the company, and after the receipt of such notice the company shall and they are hereby required within a reasonable time to remove the grounds of such complaint. For any violation of or refusal or neglect to comply with any of the provisions hereinbefore mentioned, the company shall forfeit to her Majesty, for the uses of the Island, the sum of Two Hundred Pounds, and the further sum of One Hundred Pounds for every month during which they shall continue to violate, or to refuse or neglect to comply with the same after they shall have received notice in writing from the Governor in Council to discontinue such violation, refusal, or neglect as aforesaid: Provided, That should any complaint or complaints appear on investigation to be vexatious or without sufficient grounds, the parties making the same shall pay such expenses as the Governor in Council shall incur on behalf of the public in investigating such complaint or complaints, and also such expenses as the company shall be put to by reason of such complaint; to be recovered in a summary manner before one of the police magistrates of Bridge-Town as servants' wages; by complaint of the Treasurer of the Island for the expenses incurred by the Governor in Council, and the secretary of the company for the expenses to which the company shall have been put.

23. The company shall provide and fix proper fire-plugs in the main and other pipes belonging to them at such distances not more than one hundred yards apart, and at such places as may be most proper and convenient for the supply of water for extinguishing any fire which may break out within the said limits, and for other public uses; and in case of any difference of opinion as to the proper position or number of such fire-plugs it shall be settled by the award of two justices.

Company to fix public fire-plugs in mains, &c.

24. The company shall also provide and fix proper stand-pipes upon their main and other pipes within the limits of the city at such places as may be most proper and convenient, and not more than one hundred and fifty yards apart, from which stand-pipes all inhabitants of the city may take water for domestic purposes between the hours of five o'clock in the morning and ten of the clock at night, and if there be any difference of opinion as to the proper position of such stand-pipe it shall be settled as aforesaid by the award of two justices. And all persons resorting to the city shall be at liberty to take water from such stand-pipes for the use of themselves and their cattle.

Company to fix stand-pipes in mains, &c., from which water may be taken for domestic purposes between 5 a.m. and 10 p.m.

25. The company shall from time to time renew and keep in effective order every such fire-plug, and as soon as any such fire-plug is completed they shall deposit a key thereof at such place convenient thereto, as may be appointed by the company, and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situate, showing its situation and where the key is kept, which notice may be put up on any house or building in such street.

Company to repair fire-plugs and deposit keys at convenient places.

26. The company shall, at the request and expense of the owner or occupier of any work, manufactory, or warehouse, situated in any street in which there shall be a pipe of the company, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) as near as conveniently may be to such work or manufactory, the cost of putting up and maintaining such fire-plug to be chargeable to, and paid by the said owner or occupier.

Fire-plugs to be placed near manufactories at request, &c., of owners or occupiers.

27. The company shall at all times keep charged with water under such pressure as aforesaid all their pipes, unless prevented by drought or other unavoidable cause or accident, or during necessary repairs, and shall allow all persons at all times to take and use such water for extinguishing fire, without making compensation for the same further than is by this Act hereinafter provided.

Pipes to be kept charged and water taken to extinguish fires without charge.

28. If, except when prevented as aforesaid, the company neglect or refuse to fix, maintain, or repair such fire-plugs, or to furnish a sufficient supply of water for the purposes aforesaid, or if, except as herein excepted, they neglect to keep their pipes charged under such pressure as aforesaid, or neglect or refuse to furnish to any owner or occupier entitled to receive a supply of water, they shall be liable to a penalty of Five Pounds, and shall also forfeit to the Vestry of the parish of Saint Michael, to be applied to sanitary purposes for the advantage of the said city, and also to every person aggrieved, the sum of Twenty Shillings for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the said company of the want of supply by any one or more such person.

Penalty for refusal to fix, &c., fire-plugs or occasional failure of supply of water.

29. Any owner or occupier of any dwelling-house or part of a dwelling-house within the limits of the said city, who shall wish to have water from the waterworks of the company brought into his premises, and shall be willing to pay for the same, quarterly in advance, such annual sum as may be agreed upon for that purpose, shall be entitled to have a service-pipe laid down to his premises, and to such part thereof as he may desire; and the company, on notice of such desire, shall within fourteen days after such agreement shall have been entered into, lay down or cause to be laid down such pipe of communication with their nearest street pipe for serving water on the said premises, the cost of such service-pipe, and of laying down the same, with ten per cent. in addition, to be chargeable to and paid by the said owner or occupier; and

Company to lay down communication pipes on request of owners or occupiers of dwelling-houses.

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Penalty on company
for refusal to lay
communication pipes.

the company thenceforward shall keep the same in due order and repair, as part of their works, as long as the annual sum so agreed upon shall be paid in manner as aforesaid: Provided that, whenever such payment and the supply of water to such premises shall have discontinued, the said service-pipe shall be disconnected from the company's works and given up to the said owner or occupier on his paying the cost of taking up and removing the same: Provided always, That if the company shall refuse or neglect to lay down such service-pipe within the time herein provided, unless unavoidably prevented by sufficient cause to be specially shown, the said company shall forfeit and pay to every such owner or occupier aforesaid the sum of Twenty Shillings, to be recovered with costs on complain before any Justice of the Peace, for every day during which they shall so neglect or refuse to lay down and complete such service-pipe.

Penalty for suffering
stop-cocks, &c., to be
out of repair without
notice to company.

30. Every person so supplied with water by the company who shall suffer any stop-cock, pipe, or other work to be out of repair without giving notice to the company, so that the water supplied to him by the company shall be wasted, shall forfeit to the company for every such offence a sum not exceeding Five Pounds.

Penalties for causing
the water of the com-
pany to be fouled, &c.

31. Every person who shall commit any of the offences next herein-after enumerated, shall for every such offence forfeit to the company a sum not exceeding Five Pounds, that is to say, every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the company, or wash therein, or cause to enter therein any dog or other animal, every person who shall throw any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing, every person who shall cause the water of any sewer, sink, or drain, steam-engine, boiler, or other filthy water belonging to him or under his control, to run or be brought into any stream, reservoir, aqueduct, or other waterworks belonging to the company, or shall do any other act whereby the water of the company shall be fouled: And every such person shall forfeit a further sum of Five Pounds for each day, if more than one, that such last-mentioned offence shall be continued.

Penalty for destroying
valves, &c.

32. Every person who shall wilfully or carelessly break, injure, or open any lock, cock, valve, pipe, work, or engine belonging to the company, or shall flush or draw off the water from the reservoirs or other works of the company, or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the company for every such offence a sum not exceeding Five Pounds.

Penalty for taking
the company's water
without agreement.

33. Every person who, not having agreed to be supplied with water by the company, shall take water from any reservoir, water-course, or conduit belonging to the company, or any pipe leading to any such reservoir, water-course, or conduit, or from any cistern or other like place containing water belonging to the company other than such as may have been provided for the gratuitous use of the public, shall forfeit to the company for every such offence a sum not exceeding Five Pounds.

Penalty for allowing
persons to use the
company's water.

34. Every owner or occupier of any premises supplied with water under this Act, who shall supply to any person, or wilfully permit him to take any such water from such premises unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the company, and the pipes belonging to him be out of repair, shall forfeit to the company for every such offence a sum not exceeding Five Pounds.

Guarantee by Legis-
lature of 6 per cent.
on capital expended
in addition to annual
working expenses, not
exceeding 4 000l.
per annum.
See Act 11 Jan. 1853.

35. And whereas, in consideration of the great advantage which the Island in general, and the city of Bridge-Town in particular, will derive from the establishment of the said waterworks, and as an encouragement to the said company to establish so useful an undertaking, the Legislature of the Island hereby undertake to guarantee to the said company six per cent. per annum on the capital expended by them in making the said waterworks in addition to the annual expenses incurred in working the

same, provided the annual sum required for such purpose do not exceed the sum of four thousand pounds, to be paid in the manner hereinafter mentioned: Be it enacted, That the Treasurer of the Island is hereby authorized and directed, as soon as the said waterworks are completed, and so long as the full supply of water provided by this Act shall be furnished to the said city of Bridge-Town by the said company, to pay to the said company six per cent. annually on the capital expended by them in the making and construction of the said waterworks; and the said Treasurer is also hereby required to pay to the said company the amount expended by them in each and every year in working the said waterworks, including one per cent. on the capital expended as a reserve fund for the reconstruction and renewal of the works from time to time: proof of the sum expended having in each case been first made to the satisfaction of the Governor in Council, and an account thereof laid before the House of Assembly; and the said interest on the capital, and the annual amount so expended for working the said waterworks, including such rest as aforesaid, shall be paid on the warrant of the Governor in Council, such payments to be calculated from the day the works shall be brought into full operation: Provided that the amount for interest, and the expense of working, including such rest, shall not exceed in the whole in any one year the said sum of four thousand pounds; and inasmuch as the city of Bridge-Town will principally benefit by the establishment of the said waterworks, two-thirds of the sum guaranteed by this Act to the said company shall be raised by a rate on the inhabitants of the said city, to be fixed by some Act of the Legislature to be passed for that purpose so soon as it shall be ascertained what sum is required for the payment of the said guarantee: Provided, nevertheless, That if from accidental or other unavoidable causes it may at any time happen that the full supply of water undertaken to be furnished in manner as aforesaid to the said city of Bridge-Town cannot be kept up, the guarantee benefit secured to the said company by this clause shall not be prejudiced or thereby affected unless the want of such full supply shall extend beyond the period of three months: Provided always that the one per cent. rest shall not be considered as forming profits for division, but shall be funded for the purposes aforesaid.

36.

37. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient, after making up the deficiency in the dividends of any previous year as aforesaid, to make a dividend at the prescribed rate, the excess beyond the sum necessary for such purposes shall be paid into the public treasury of the Island towards the repayment of the sum or sums of money paid out of the treasury on account of the guarantee aforesaid.

38. Where the owner or occupier of any house shall require to be supplied for his family's consumption by communication pipes, he shall pay to the company quarterly in advance such annual sum as shall be agreed upon for that purpose; and in case no agreement can be come to between such owner or occupier and the said company, the question shall be referred to and settled by arbitration in manner hereinafter provided; and in case of schools, manufacturers, dyers, bleachers, printers, inn-keepers, livery-stable keepers, vendors of spirituous liquors, ale-house keepers, or other persons requiring a supply of water for other purposes than those for his or her own family's consumption, or persons requiring a supply of water for baths, ponds, pools, or closets, or for washing carriages, or for cows or horses, or for the purposes of any trade or business whatsoever, such supply shall be furnished by the said company in such cases and at such rate and in such manner as above provided.

39. At any time after the end of twenty years next following the First day of January, One thousand eight hundred and sixty-two, the Legislature of this Island may, if they think fit, purchase the waterworks, and the hereditaments and premises thereto belonging, at a sum equivalent

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See Act 11 January 1859.

Working expenses to include 1 per cent. on capital expended as a reserve fund for renewal of works.

Proof of sums expended to be made to the satisfaction of the Governor in Council, and amount laid before House of Assembly.

Two-thirds of the amount guaranteed to be raised by a rate on the inhabitants of the city.

See Act of 22 January 1862.

Guarantee not to be affected by partial failure of supply unless extending beyond three months.

One per cent. rest to be funded.

Repealed. See Act of 24 December 1857.

If profits more than the amount prescribed, excess to be paid into the public treasury towards repayment of sums paid on account of guarantee.

Rates for supplying private houses to be paid quarterly.

Where parties cannot agree, to be settled by arbitration as herein after provided.

After twenty years from 1 January 1862, Legislature may purchase works at twenty years' purchase at 6

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per cent. on capital expended.

On purchase, accumulations of rest to pass to the Legislature.

On petition of householders, Court of Common Pleas may order examination of accounts of company.

Court may order petitioners to pay costs of groundless petition.

Persons giving false evidence liable to penalties of perjury.

Penalty on company refusing to produce books, vouchers, &c.

Annual account to be made up by company and sent to the Colonial Secretary, and to be open to inspection.

Copies of Act to be kept by company in their office and deposited with the Colonial Secretary and be open to inspection.

Penalty on company failing to keep or deposit such copies.

to twenty years' purchase at six per cent. on their capital expended; and all accumulations of said rest of one per cent. shall pass to the Legislature on such purchase being effected.

40. On the petition of any ten rated householders of Bridge-Town, the Court of Common Pleas may appoint some accountant or other competent person, not being a proprietor, of any waterworks, to examine and ascertain, at the expense of the company, the actual state and condition of the concerns of the company, and make report thereof to the said court, the amount of such expense to be determined by the said court; and the said court may examine any witnesses upon oath touching the truth of the said accounts, and the matters therein referred to; and if it thereupon appear to the said court that the profits of the company for the preceding year have exceeded the prescribed rate, the court shall direct the company to pay into the public treasury the sum so exceeding their proper divisible profits: Provided always, That if, in the case of any petition so presented, it appear to the said court that there was no sufficient ground for presenting the same, the said court may, if they think fit, order the petitioners to pay the whole or any part of the costs of, or incident to such petition (the amount thereof to be determined by the said court), and the costs so ordered to be paid shall be recoverable in the same way as damages are recoverable under this Act.

41. Every person who upon examination upon oath under the provisions of this Act, or any Act incorporated herewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

42. If the company shall for thirty days after being required to produce to the said court or to the said accountant or other person as aforesaid any books of account, or other books, bills, receipts, vouchers, or papers relating to their pecuniary affairs, refuse or neglect to produce such books, bills, receipts, vouchers, or papers, they shall forfeit the sum of Five Pounds for every such refusal or wilful neglect, and the further sum of One Pound for every day during which such refusal or wilful neglect shall continue after the expiration of the said thirty days, such respective penalties to be recovered by any person who will sue for the same, with full costs of suit, in any of the superior courts.

43. The company shall, in each year after they have begun to supply water under this Act, cause an account in abstract to be prepared of the whole receipt and expenditure of all moneys received by them for the preceding year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the chairman of the company and also by the auditors thereof, if any; and a copy of such annual account shall be sent free of charge to the Colonial Secretary of this Island on or before the Thirty-first day of March in each year, under a penalty of Five Pounds for each default; and the copy of such account so sent to the said Colonial Secretary shall be kept by him, and shall be open to inspection by all persons at all seasonable hours on payment of one shilling for each inspection.

44. The company shall at all times after the expiration of six months after the passing of this Act keep in their principal office of business a copy of this Act, printed by the printer to the Legislature, and shall also within the space of such six months deposit in the office of the Colonial Secretary of this Island a copy of this Act so printed as aforesaid; and the said Colonial Secretary shall receive, and he and the company respectively shall keep the said copies of this Act, and shall allow all persons interested therein to inspect the same and make extracts or copies therefrom in the like manner and upon the like terms and under the like penalty for default as is provided in the Act for regulating the Secretary's office of this Island.

45. If the company fail to keep or deposit any of the said copies of this Act as hereinbefore mentioned, they shall forfeit Five Pounds for

every such offence, and also One Pound for every day afterwards during which such copy shall be not so kept or deposited.

46. It shall be lawful for the company, and they are hereby authorized in the name of the company, or of such person as they shall for that purpose appoint, to contract and agree with any person for constructing all the works which may be necessary, or any part thereof, hereby authorized to be made or done by the company, or for maintaining and keeping in good order the said works or any part thereof, and in such manner and for such sum and sums of money, and under such regulations and restrictions as the company, or the person or persons so appointed, shall think proper, and all contracts in writing for any of the purposes aforesaid shall be binding on the company, and all other parties thereto, their respective successors, heirs, executors, and administrators; and actions and suits may be maintained thereon, and all damages and costs recovered by or against the company or by or against any other party thereto failing in the execution thereof.

Company may contract for construction and maintenance of works.

47. During the execution of any contract made with the company, the works in course of being done under such contract, and all the materials of any description brought upon or near such works for the purpose of being used in the execution of such contract, shall be and for all intents and purposes, and intendments of law, and in all legal proceedings, civil and criminal, be held to be the property of the company, and it shall be sufficient to state it as such.

During the execution of any such contract, works and materials to be held to be the property of the company.

48. It shall be lawful for the company to contract and agree with the owners of any lands or streams which shall be required for the purposes of this Act, and with all parties having any estate or interests in such lands, or streams as are by this Act enabled to sell and convey the same for the absolute purchase, for a consideration in money, of any such lands or streams, or such parts thereof as they shall think proper, and of all estates and interests in such lands or streams of what kind soever.

Power to purchase lands, &c., by agreement.

49. It shall be lawful for all parties being seized, possessed of, or entitled to any such lands or streams, or any estate or interest therein, to sell and convey or re-lease the same to the company, and to enter into all necessary arrangements for that purpose; and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled, as aforesaid, so to sell, convey, or re-lease (that is to say) all corporations, tenants in tail or for life, married women seized in their own right, or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipts of the rents and profits or any such lands or streams in possession or subject to any estate in dower, or to any lease for life or for lives and years, or for years or any less interest, and the power so to sell and convey, or re-lease, as aforesaid, may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for any less interests, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and to such married women, whether they be of full age or not, as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committees on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics, and idiots respectively could have exercised the same power under the authority of this Act, if they had respectively been under no disability, and as to such trustees, executors, and administrators, on behalf of their cestui que trust, whether infants, issue unborn, lunatics, femmes couvertes or other persons, and that to the same extent as such cestui que trusts respectively could

Parties under disability enabled to sell and convey.

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Purchase-money or compensation for lands or parties absent or under disability, how to be determined.

Declaration to be made by freeholders.

Purchase-money, &c., to be deposited with the Treasurer of the Island.

Oath to be taken by freeholders.

Valuation, &c., to be produced to the owner of the lands on demand.

Expenses to be borne by company.

Parties dissatisfied with valuation of freeholders may apply to Court of Common Pleas for a re-appraisalment.

Tenants in fee may convey lands subject to rentcharge.

Rents reserved a charge on the revenue of the company and recoverable by action or distress.

have exercised the same powers under the authority of this Act, if they had respectively been under no disability.

50. The purchase-money or compensation to be paid for any lands or streams to be purchased or taken from any absent party or parties under any disability or incapacity, and not having power to sell or convey such lands, except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands shall, except where the same shall have been determined by the verdict of a jury, or by arbitration, be determined by the valuation of five substantial freeholders of the parish in which such lands lie, or such damage be sustained, or a majority of them to be nominated by the Police Magistrate of such parish; and such freeholders shall annex to the valuation a declaration in writing subscribed by them or him of the correctness thereof; and all such purchase-money or compensation shall be deposited in the hands of the Treasurer of the Island for the benefit of the parties interested in manner hereinafter mentioned.

51. Before such freeholders shall enter upon the duty of making such valuation as aforesaid, they shall, in the presence of the Police Magistrate by whom they are nominated, take and subscribe the following affidavit, that is to say—

“I, A. B., do solemnly swear that I will faithfully, impartially, and honestly, according to the best of my skill and ability, execute the duty of making the valuation referred to me. “A. B.”

Taken and subscribed in the presence of C. D., Police Magistrate. And if any such freeholder shall corruptly make such affidavit, or, having made such affidavit, shall wilfully act contrary thereto, he shall be guilty of perjury.

52. The said nomination and declaration shall be annexed to the valuation to be made by such freeholders, and shall be preserved together therewith by the company, and they shall at all times produce the said valuation and other documents, on demand, to the owner of the lands comprised in such valuation and to all other parties interested therein.

53. All the expenses of and incident to every such valuation shall be borne by the company.

54. When the compensation payable in respect of any lands or streams, or any interests therein, shall have been ascertained by the valuation of such freeholders as last aforesaid, and deposited in the hands of the Treasurer under the provisions hereinafter contained, if any party interested therein shall be dissatisfied with such valuation, it shall be lawful for them or him to apply to the Court of Common Pleas for a re-appraisalment of such lands or streams in the same manner as is usual in cases of parties being dissatisfied with appraisements made under writs of appraisement issuing out of the said Court of Common Pleas in actions instituted therein, giving six days' notice in writing of such intended application to the other party; and the said Court of Common Pleas is hereby authorized to hear and determine every such application, and to award a re-appraisalment of the land or stream, or re-adjustment of the damage, as the case may be, if it shall think fit so to do.

55. It shall be lawful for any person seized in fee or entitled to dispose of absolutely for his own benefit, any lands or streams authorized to be purchased for the purpose of this Act to sell and convey such lands or streams or any part thereof, or the use thereof, unto the company, in consideration of an annual rent-charge payable by the company; but except as aforesaid, the consideration to be paid for the purchase of any such land or streams, or for any damage done thereto, shall be in a gross sum.

56. The yearly rents reserved by any such conveyance shall be charged on the revenue of the company, and shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the company as such rents become payable; and if at any time any

such rents be not paid within thirty days after they so become payable and after demand thereof in writing, the person to whom such rent shall be payable may either recover the same from the company with costs of suit by action of debt in the Court of Common Pleas of this Island, or it shall be lawful for him to levy the same by distress of the goods and chattels of the company.

57. * * * * *
58. * * * * *
59. * * * * *

Repealed by Act
11 January 1859.

60. When the company shall require to purchase or take any of the lands or streams, which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands or streams, or to the parties enabled by this Act to sell and convey or re-lease the same, or such of the said parties as shall after diligent inquiry be known to the company, and by such notice shall demand from such parties the particulars of their estate and interest in such lands or streams, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands or streams so required, and that the company are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

Notice of intention to
take lands.

61. All notices required to be served by the company upon the parties interested in or entitled to sell any such lands or streams shall either be served personally on such parties or left at their last usual place of abode, if any such can after diligent inquiry be found; and in case any such parties shall be absent from the Island or cannot be found after diligent inquiry, shall also be left with the occupier or manager of such lands or streams, or, if there be no such occupier or manager, shall be affixed upon some conspicuous part of such lands.

Service of notices on
owners and occupiers
of lands.

62. If any such party be a corporation aggregate, such notice shall be left at the principal office of business of such corporation, or if no such office can, after diligent inquiry, be found, shall be served on some principal member of any such corporation, and such notice shall also be left with the occupier or manager of such lands or streams, and, if there be no such occupier or manager, shall be affixed upon some conspicuous part of such lands.

Service of notice on a
corporation aggregate.

63. If for twenty-one days after the service of such notice, any such party shall fail to state the particulars of his claim in respect of any such lands or streams, or to treat with the company in respect thereof, or if such party and the company shall not agree as to the amount of the compensation to be paid by the company for the interest in such lands or streams belonging to such party, or which he is by this Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled, except as aforesaid, in the manner hereinafter provided for settling cases of disputed compensation.

If parties fail to treat,
or in case of dispute,
question except as
aforesaid to be settled
as after mentioned.

64. If any agreement be come to between the company and the owners of or parties by this Act enabled to sell and convey or re-lease any lands or streams taken or required for, or injuriously affected by the execution of the said works, or any interest in such lands or streams, as to the value of such lands or streams or of any interest therein, or as to the compensation to be made in respect thereof, and if in any such case the compensation claimed shall not exceed twenty pounds sterling, the same shall be settled by the police magistrate of the parish in which such lands or streams lie.

Disputes as to value,
&c., where the amount
claimed does not ex-
ceed 20*l*. to be settled
by the police magis-
trate of the parish.

65. If the compensation claimed or offered in any such case shall exceed twenty pounds, and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the company, before they have issued their warrant to the Provost-Marshal to summon a jury, in respect of such lands or streams,

Compensation exceed-
ing 20*l*. to be settled
by arbitration or jury
at the option of the
party claiming com-
pensation.

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under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be settled accordingly; but unless the party claiming compensation shall, as aforesaid, signify his desire to have the question of such compensation settled by arbitration, or if, when the matter shall have been referred to arbitration, the arbitrators or their umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as herein-after provided.

Questions of title to
be decided by Court
of Common Pleas.

66. It shall be lawful for the Chief Justice of the said Court of Common Pleas, upon the application of either party when any question of title to any lands or streams, in respect of which compensation is by this Act authorized to be made shall arise, summon the other party to appear before the said court, at the time and place to be named in the summons; and upon the appearance of such parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for the said court to hear and determine such question, and for that purpose to examine such parties, or any of them, and their witnesses upon oath, and the cost of such inquiry shall be in the discretion of such court, and the amount thereof shall be taxed and allowed by the Chief Justice of the said court.

Appointment of arbi-
trator when questions
are to be determined
by arbitration.

67. When any question in dispute by this Act, authorized or required to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to whom such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the company under the hands of the company, or any two of them, or of their secretary or clerk, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate, under the common seal of such corporation, or of their duly constituted attorneys; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing in which shall be stated the matter so required to be referred to arbitration shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making such request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matter which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Vacancy of arbitrator
to be supplied.

68. If before the matters so referred shall be determined, any arbitrator, appointed by either party, die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party, for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex parte*, and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

Appointment of um-
pire.

69. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide any such matters on which they differ, or which shall be referred to them under the provisions of this Act; and if such umpire shall die or become

incapable to act, they shall forthwith, after such death or incapacity, appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

70. If when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

In case of death of single arbitrator the matter to begin de novo.

71. If where more than one arbitrator shall have been appointed either of the arbitrators refuse or for seven days neglect to act, the other arbitrator may proceed ex parte, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

If either arbitrator refuse to act, the other to proceed ex parte.

72. If where more than one arbitrator shall have been appointed, and where either of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

If arbitrators fail to make their award within twenty-one days the matter to go to the umpire.

73. The said arbitrators, or their umpire, may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Power of arbitrators to call for documents.

74. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall in the presence of a police magistrate of the parish in which the lands lie, take and subscribe the following oath, that is to say:—that “I, A. B., do solemnly and sincerely swear that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of an Act for making waterworks for the city of Bridge-Town, taken and subscribed in the presence of”

Arbitrator or umpire to make a declaration.

and such affidavit shall be annexed to the award when made; and if any arbitrator or umpire, having made such affidavit, shall wilfully act contrary thereto, he shall be guilty of a misdemeanor.

75. All the costs of any such arbitration and incident thereto, to be settled by the arbitrators, shall be borne by the company, unless the arbitrators shall award the same or a less sum than shall have been offered by the company, in which case each party shall bear his own costs incidental to the arbitration; and the cost of the arbitrators shall be borne by the parties in equal proportions.

Costs of arbitration, how to be borne.

76. The arbitrators shall deliver their award in writing to the company, and the company shall retain the same, and forthwith on demand at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all times on demand produce the said award, and allow the same to be inspected or examined by such party, or any person appointed by him for that purpose.

Award to be delivered to the company.

77. The submission to any such arbitration, may be made a rule of the Court of Common Pleas in this Island, on the application of either of the parties.

Submission may be made a rule of court.

78. No award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

Award not void through error in form.

79. Before the company shall issue their warrant for summoning a jury for settling any case of disputed compensation they shall give not less than ten days' notice to the other party of their intention to cause such jury to be summoned, and in such notice the company shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party, and for the damage to

Company to give notice before summoning a jury.

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19 August 1837.

Warrant for summon-
ing jury to be ad-
dressed to the Provost-
Marshal.

be sustained by him by the execution of the works projected by the company. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury, the company shall issue their warrant to the Provost-Marshal, requiring him to summon a jury for that purpose, and such warrant shall be under the common seal of the company; and if such Provost-Marshal shall be interested in the matter in dispute, such application shall be made to the coroner of the parish in which the lands in question or some part thereof shall be situate.

Provisions applicable
to Provost-Marshal to
apply to coroner.

80. Throughout the enactments contained in this Act relating to the reference to a jury where the term Provost-Marshal is used, the provisions applicable thereto shall be held to apply to every coroner or other person lawfully acting in his place; and in every case in which any such warrant shall have been directed to any other person than the Provost-Marshal, such Provost-Marshal shall immediately, on receiving notice of the delivery of the warrant, deliver over on application for that purpose to the person to whom the same shall have been directed, or to any person appointed by him to receive the same, the jurors' book and special jurors list belonging to this Island, to the end that he should make a copy of so much thereof as he may require.

Jury to be summoned.
See 1st clause of Act
of 25 August 1860.

81. Upon the receipt of such warrant, the Provost-Marshal shall summon a jury of eighteen indifferent persons belonging to the parish in which the lands required by the company for the purposes of this Act lie, duly qualified to act as special jurymen in the Court of Common Pleas of this Island, to meet at a convenient time and place to be appointed by him for that purpose—such time not being less than fourteen days, nor more than twenty-one days after the receipt of such warrant, and such place not being more than four miles distant from the lands in question, unless by consent of the parties interested; and he shall forthwith give notice to the company of the time and place so appointed by him.

Jury to be impanelled.

82. Out of the jurors appearing upon such summons, a jury of twelve persons shall be drawn by the Provost-Marshal in such manner as jurors for trials of issues joined in the Court of Common Pleas are by law required to be drawn; and if a sufficient number of jurymen do not appear in obedience to such summons, the Provost-Marshal shall return other indifferent men duly qualified as aforesaid of the bystanders or others that can speedily be procured to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the array.

Provost-Marshal to
preside.

83. The Provost-Marshal shall preside on the said inquiry, and the party claiming compensation shall be deemed the plaintiff, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing the Provost-Marshal shall summon before him any person considered necessary to be examined as a witness touching the matters in question; and on the like request, the Provost-Marshal shall order the jury or any six or more of them to view the place or matter in controversy, in like manner as views may be had in the trial of actions in the Court of Common Pleas.

Witnesses to be sum-
moned.

Penalty on Provost-
Marshal and jury for
default.

84. If the Provost-Marshal make default in any of the matters hereinbefore required to be done by him in relation to any such trial or inquiry, he shall forfeit Fifty Pounds sterling for every such offence, and such penalty shall be recoverable by the company by an action in the Court of Common Pleas; and if any person summoned and returned upon any jury under this Act, do not appear, or if appearing he refuse to make oath or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the Provost-Marshal, forfeit a sum not exceeding Five Pounds sterling; and every such penalty payable by the Provost-Marshal or a jurymen, shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend.

85. If any person duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons without sufficient cause, or if any person whether summoned or not, who shall appear as a witness, refuse to be examined on oath or affirmation where affirmation is allowed touching the subject-matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding Ten Pounds sterling.

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Penalty on witnesses making default.

86. Not less than ten days' notice of the time and place of the inquiry shall be given in writing by the company to the other party. Notice of inquiry.

87. If the party claiming compensation shall not appear at the time appointed for the inquiry, such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by freeholders appointed in manner hereinafter provided. If the party make default the inquiry not to proceed.

88. Before the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given, they shall make oath that they will truly and faithfully inquire of, and assess such compensation or damage, and the Provost-Marshall shall administer such oaths, as well as the oaths of all persons called upon to give evidence. Jury to be sworn.

89. Where such inquiry shall relate to the value of lands or streams to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands and streams required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen; or which, under the provisions herein contained, he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of the severing the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this Act. Sums to be paid for purchase of lands, &c., and for damages to be assessed separately.

90. The Provost-Marshall, before whom such inquiry shall be held, shall give judgment for the purchase or compensation assessed by such jury, and the verdict and judgment shall be signed by the Provost-Marshall, and being so signed shall be kept by the Secretary of the Island among the public records of the Island, and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere; and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof one shilling sterling, and for every one hundred words copied or extracted therefrom one shilling sterling, which copies or extracts the Secretary of the Island is hereby required to make out and to sign, and certify the same to be true copies. Verdict and judgment to be recorded.
See Clause 2 of Act 25 August 1860.

91. On every such inquiry before a jury where the verdict of the jury shall be given for a greater sum than the sum previously offered by the company; all the costs of such inquiry shall be borne by the company; but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the company, or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one half of the costs of summoning, impanneling, and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon, in case such verdict shall be taken, shall be defrayed by the owner of the lands or streams, and the other half by the company, and each party shall bear his own costs other than as aforesaid incident to such inquiry. Costs of the inquiry how to be borne.

92. The costs of any such inquiry shall in case of difference be settled by the Chief Justice of the Court of Common Pleas of this Island on the application of either party, and such costs shall include all reasonable costs, charges, and expenses incurred in summoning, impannelling, Particulars of the costs.

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Payment of costs.

and returning the jury taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, recording the verdict and judgment thereon, and otherwise incident to such inquiry.

93. If any such costs shall be payable by the company, and if within seven days after demand, such costs be not paid to the party entitled to receive the same, they shall be recoverable by writ of execution in the usual form, to be issued by such Chief Justice; and if any such costs shall be payable by the owner of the lands, or of any interest therein, the same may be deducted and retained by the company out of any money awarded by the jury to such owner, or determined by the valuation of freeholders under the provision hereinafter contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined, the excess shall be recoverable by writ of execution.

Special jury to be
summoned at the re-
quest of either party.

94. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the company, before they have issued their warrant to the Provost-Marshall; and for that purpose the company shall by their warrant to the Provost-Marshall require him to nominate a special jury for such trial; and thereupon the Provost-Marshall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys at some convenient time and place appointed by him for the purpose of nominating a special jury (not being less than five, nor more than eight days from the service of such summons); and at the time and place so appointed the Provost-Marshall shall proceed to nominate and strike a special jury, in the manner in which such juries shall be required by the laws for the time being in force to be nominated or struck by the proper officers of the Court of Common Pleas, and the Provost-Marshall shall appoint a day not later than the eighth day after striking of such jury, for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the parties; and on the day so appointed the Provost-Marshall shall proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officer of the Court of Common Pleas in this Island.

Deficiency of special
jurymen.

95. The special jury on such inquiry shall consist of twelve of the said twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen; and if a full jury do not appear, or if after such challenges a full jury do not remain, then, upon the application of either party, the Provost-Marshall shall add to the list of such jury, the names of any other disinterested persons qualified to act as special or common jurymen, who shall not have been previously struck off the aforesaid list, and who may be then attending the court, or can speedily be procured so as to complete such jury, all parties having their lawful challenge against such persons; and the Provost-Marshall shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable as hereinbefore provided in the case of trial by common jury.

Other inquiries before
same special jury by
consent.

96. Any other inquiry than that for the trial of which such special jury shall have been struck and reduced as aforesaid, may be tried by such jury, provided the parties thereto respectively shall give their consent to such trial.

Purchase-money and
compensation how to
be estimated.

97. In estimating the purchase-money or compensation to be paid by the company in any of the cases aforesaid, regard shall be had, not only to the value of the land and streams to be purchased or taken by the company, but also to the damage, if any, to be sustained by the owner

of the lands, by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this Act.

98. If any party shall be entitled to any compensation in respect of any lands or streams, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works, and for which the company shall not have made satisfaction under the provisions of this Act, and if the compensation claimed in such case shall exceed the sum of twenty pounds sterling, such party may have the same settled either by arbitration or by the verdict of a jury as he shall think fit: and if such party desire to have the value settled by arbitration, it shall be lawful for him to give notice in writing to the company of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed therein; and unless the company be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the company, stating such particulars as aforesaid; and unless the company be willing to pay the amount of compensation so claimed, and enter into a written agreement for that purpose, they shall, within twenty-one days after the receipt of such notice, issue their warrant to the Provost-Marshal to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation claimed, and the same may be recovered by him, with costs, by action in the Court of Common Pleas.

Compensation to be settled by arbitration or jury at the option of the party claiming.

99. In case any party to whom the purchase-money or compensation which shall be payable in respect of any lands, or streams, or any interest therein, purchased or taken by the company shall refuse to accept the same, or cannot be found, or shall be absent from this Island, or shall refuse, neglect, or be unable to furnish the company with the particulars of their rights or interests as aforesaid, or to make a title to, and convey such lands, estate, or interest to the satisfaction of the company, within three calendar months from the period of the value of the lands, or streams being assessed as aforesaid, or if any party entitled to contract, or agree for the sale of such lands, or streams, estate, or interest, shall not be known, or shall be absent from this Island, or shall refuse to appear before a jury, as herein provided for, or shall refuse to execute any proper contract or conveyance for the sale thereof, respectively within the said three calendar months, or such lands shall be subject to any entail, or be affected by any remainder or reversion, then and in every such case it shall be lawful for the said company to pay to the Treasurer of this Island the purchase-money or compensation which shall be so payable to any such party as aforesaid: And such Treasurer shall carry every such sum to the credit of the party or parties, if known, who shall be interested in the said land, estate, or interest, but if such party or parties shall not be known, then to the credit of the company in a particular account, to remain subject in all such cases to the order, control, and disposition of the Court of Common Pleas of this Island, which said court, on the application of any party making claim to such money, or to any part thereof by motion or petition, is hereby empowered in a summary way of proceeding, or otherwise, as to the said court shall seem meet, to change the investment thereof, or to order the distribution or payment thereof according to the estate, title, or interest of the party therein as hereinafter mentioned, and to make such other order in the premises as to the said court shall seem proper, and such sums respectively shall carry interest at the rate of four pounds per cent. per annum,

Where parties refuse to convey or do not show title or cannot be found, the purchase-money to be paid to the Treasurer of the Island.

No. 315.

19 August 1857.

Treasurer to deposit
such moneys in the
chartered banks
at interest.

Upon payment, tender,
or deposit of the
purchase-money or
compensation, lands
to vest in company.

to be paid by the said company to the respective parties entitled to them respectively: Provided always, That the said Treasurer shall deposit all such moneys in the chartered banks of this Island, at interest in the same manner as he is required by law to deposit public moneys.

100. Upon payment or tender of the purchase-money or compensation agreed or awarded to be paid in respect of any lands or streams purchased or taken by the company under the provisions of this Act, or whenever any of the respective cases shall happen wherein such money is herein authorized or directed to be retained in the hands of the Treasurer, as herein authorized or directed, it shall be lawful for the company immediately to enter upon such lands or streams, and thereupon such lands or streams, and the fee simple and inheritance thereof, and all the estate, use, trust, and interest of all parties therein shall thenceforth be vested in, and become the property of the said company, their heirs and successors, for the purposes of this Act; and such payment or tender, or such retainer shall in all respects, and to all intents and purposes operate in the same manner as if a conveyance under the provisions of this Act had been made of the lands, or streams in question to the company, and in all cases whatsoever, in which the company shall have a right of entry under the provisions of this Act, and delivery of possession shall be refused or withheld, it shall be lawful for any Justice of the Peace to issue his precept or warrant to a constable or police officer, to enter upon the lands, the possession of which shall be refused or withheld, and to take possession thereof, and to deliver the possession of the same to such person as shall in such precept or warrant be nominated to receive the same, being a person in that behalf appointed by the company; and the constable or police officer is hereby authorized and required to take such possession, and to deliver the same accordingly.

Cost in cases of money
deposited.

101. Where the purchase-money for any lands or streams to be taken or used for the purposes of this Act, shall be retained in the hands of the Treasurer of this Island, under or in pursuance of this Act, it shall be lawful for the said Court of Common Pleas, if it shall think fit, to order the costs, charges, and expenses of, and attending any such motion, petition, or application as aforesaid, and the proceedings to be had thereon, or so much of such costs, charges, and expenses, as the said court shall deem reasonable, under the circumstances of the case, together with the necessary costs, and charges of obtaining such order, to be paid by the company, who shall, from time to time, pay such sums of money in such manner and for such purposes as the said court shall direct: Provided always, That nothing herein contained shall render the company liable to pay any such costs as aforesaid, in any case where such moneys shall have been so deposited, by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the wilful neglect of any party to make out a good title to the land required for the purposes of this Act.

Sums not exceeding
20*l.* to be paid to
parties.

102. If such sums of money shall not exceed the sum of twenty pounds sterling, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable for their own use and benefit; or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then that such money shall be paid for their use to the respective husbands, guardians, committees, or trustees of such persons.

Payment of interest
on sums exceeding 20*l.*

103. If any such sums of money shall exceed the sum of twenty pounds sterling, and the right of any person to an estate for life, or to a partial or qualified interest therein shall have been ascertained, it shall be lawful for the said Court of Common Pleas, in manner aforesaid, to order payment of the interest of the sum so paid to the Treasurer of the Island, or any part thereof, to any such person having an estate for life, or any other partial or qualified interest, for his own use, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such

parties, then that such money shall be paid for their use to the respective husbands, committees, or trustees of such persons.

104. Where any purchase-money or compensation paid to the Treasurer of this Island shall have been paid in respect of any lease for life or lives, or years, or for a life or lives and years; or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the said Court of Common Pleas in manner aforesaid to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate, or reversion, in respect of which such money shall have been paid, or as near thereto as may be.

105. Upon deposit in manner hereinbefore provided, of the purchase-money or compensation agreed or awarded to be paid in respect of any such lands or streams purchased or taken by the company under the provisions of this Act, the owner of such lands or streams including in such terms all parties by this Act enabled to sell or convey lands, shall, when required so to do by the company, duly convey such lands to the company, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands it shall be lawful for the company, if they think fit, to execute a deed poll under their common seal, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the company, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made; and thereupon all the estate and interest in such lands of, or capable of being sold, and conveyed by the party between whom and the company such agreement shall have been come to, or between whom and the company such purchase-money or compensation shall have been determined by a jury, or by arbitrators, or by freeholders appointed as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the company, and as against such parties, and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the company shall be entitled to immediate possession of such lands.

106. Upon any such deposit of money as hereinbefore mentioned being made, the Treasurer of the Island shall give to the company or to the party paying in such money by their direction, a receipt for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in; and it shall be lawful for the company, if they think fit, to execute a deed poll under their common seal, containing a description of the lands in respect whereof such deposits shall have been made, and declaring the circumstances under which, and the names of the parties to whose credit such deposit shall have been made, and upon recording the same in the office of the Secretary of this Island, all the estate and interest in such lands of the parties for whose use, and in respect whereof such purchase-money or compensation shall have been deposited, shall vest absolutely in the company, and as against such parties they shall be entitled to immediate possession of such lands.

107. If any question arise respecting the title to the lands or streams, in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, or in receipt of the rents of such lands or streams as being entitled thereto, at the time of such lands or streams being purchased or taken, shall be deemed to have been lawfully entitled to such lands or streams until the contrary be shown to the satisfaction of the said Court of Common Pleas; and unless the contrary be shown as aforesaid, the parties so in possession, and all parties claiming under them, or consistently with their possession shall be deemed entitled to the

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19 August 1857.

Court of Common Pleas may direct application of money in respect of leases or reversions as it may think just.

Upon deposit being made the owners of the lands to convey, or in default the lands to vest in the company upon a deed poll being executed.

Upon deposit being made a receipt to be given, and the lands to vest upon a deed poll being executed.

Party in possession to be deemed the owner.

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19 August 1857.

Company empowered to purchase interests in lands the purchase whereof may have been omitted by mistake.

moneys so deposited, and to the dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

108. If at any time the company shall have entered upon any lands or streams which, under the provisions of this Act, they were authorized to purchase, and which shall be permanently required for the purposes of this Act, any party shall appear to be entitled to any estate, right, or interest in, or charge affecting such lands or streams, which the company shall, through mistake or inadvertence, have failed or omitted duly to purchase or to pay compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the company shall remain in undisturbed possession of such lands, provided within six months after notice of such estate, right, or interest, or charge, in case the same shall not be disputed by the company, or in case the same shall be disputed then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the company shall purchase or pay compensation for the same, and shall also pay to such party or to any other party who may establish a right thereto, full compensation for the mesne profits or interest, which would have accrued to such parties respectively in respect thereof, during the interval between the entry of the company thereon, and the time of the payment of such purchase-money or compensation by the company, so far as such mesne profits or interest may be recoverable in law or equity, and such purchase-money or compensation shall be agreed on or awarded, and paid in like manner as according to the provisions of this Act, the same respectively would have been agreed on or awarded, and paid in case the company had purchased such estate, right, interest, or charge, before their entering upon such land, or as near thereto as circumstances will admit.

How value of such lands to be estimated.

109. In estimating the compensation to be given for such last-mentioned lands, or any estate, or interest in the same, or for any mesne profits thereof, the value of such lands, estate, or interest and profits, shall be determined according to what such value was at the time such lands were entered upon by the company, and without regard to any improvements or works made in the said land by the company, and as though the works had not been constructed.

Form of conveyances.

110. The conveyance of lands or streams to be purchased by the company under the provisions of this Act, may be according to the following form (that is to say), "I, A. B., of _____ in consideration of the sum of _____ paid to me by the company established and incorporated by an Act of the Legislature of the Island of Barbados, made and passed in the _____ year of the reign of her Majesty Queen Victoria, entitled 'An Act for authorizing the making of Waterworks for the City of Bridge-Town,' do hereby grant and alien to the company, their successors and assigns all that

together with all ways, rights, and appurtenances thereunto belonging, and all such estate, right, title, and interest in and to the same and every part thereof, as I am or shall become seized or possessed of, or I am by the said Act capacitated or empowered to convey, to hold the premises to the company, their successors, and assigns for ever, according to the true intent and meaning of the said Act. In witness whereof I have hereunto set my hand and seal, this _____ day of _____ in the year of our Lord One thousand eight hundred and _____." And all conveyances made according to such form, or as near thereto as the circumstances of the case will admit, shall be valid and effectual to all intents and purposes, and shall operate to merge all terms of years attendant by express declaration, or by construction of law on the estate or interest thereby conveyed or aliened, and to bar and destroy all such estates tail, and all titles to dower, and all other estates, rights, titles, remainders, reversions, limitations, trusts, and interest whatsoever, of and in the lands or streams comprised in such conveyance.

Power to redeem mortgages.

111. It shall be lawful for the company to purchase or redeem the interest of the mortgage of any lands or streams which may be required for the purposes of this Act; and that whether they shall have previously purchased the equity of redemption of such lands, or streams, or not; and whether the mortgagee thereof be entitled thereto in his own right, or in trust for any other party, and whether he be in possession of such lands or streams, by virtue of such mortgage or not, and whether such mortgage affect such lands or streams, solely or jointly with any other lands or streams not required for the purposes of this Act; and in order thereto the company may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months' additional interest; and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the company, or as they shall direct, or the company may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice. And if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months' notice of his intention to redeem the same, then at the expiration of either such notices, or any intermediate period, upon payment or tender by the company to the mortgagee of the principal money due on such mortgage, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the company, or as they shall direct.

112. If in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or re-lease his interest in such mortgage as directed by the company, or if he fail to adduce a good title thereto to their satisfaction, then it shall be lawful for the company to deposit with the Treasurer of this Island for the time being, in the manner provided by this Act in like cases, the principal and interest, together with the costs, if any, due on such mortgage, and also if such payment be made before the expiration of six months' notice as aforesaid, such further interest as would at that time become due; and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee, and of all persons in trust for him, or for whom he may be a trustee in such lands or streams, shall vest in the company, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession.

Mortgage-money to be deposited on refusal to accept.

113. If any such mortgaged lands or streams shall be of less value than the principal, interest, and costs secured thereon, the value of such lands or streams, or the compensation to be made by the company in respect thereof, shall be settled by agreement between the mortgagee of such lands or streams, and the party entitled to the equity of redemption thereof, on the one part, and the company on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the company to the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and upon payment or tender thereof, the mortgagee shall convey or release all his interest in such mortgaged lands to the company, or as they shall direct.

Deposit to be made when the mortgage exceeds the value of the lands.

114. If upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage, or to adduce a good title thereto, to the satisfaction of the company, it shall be lawful for them to deposit the amount of such value or compensation with the Treasurer of this Island for the time being, in the manner provided by this Act in like cases; and every such payment or deposit shall be accepted by the mortgagee, in satisfaction of his mortgage debt,

Deposit of mortgage-money when refused on tender.

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When part only of
lands in mortgage
taken.

so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon, and thereupon such lands or streams as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the company, and they shall be entitled to immediate possession thereof, in case such mortgagee were himself entitled to such possession; nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant, or other obligation, other than right to such lands or streams, shall remain in force in respect of so much of the mortgaged debt as shall not have been satisfied by such payment or deposit.

115. If a part only of any such mortgaged lands or streams be required for the purposes of this Act, and if the part so required be of less value than the principal money, interests, and costs secured on such lands or streams, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part, and also the compensation, if any, to be paid in respect of the severance thereof, or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption on such lands on the one part, and the company on the other part; and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation, and the amount of such value or compensation being so agreed upon or determined, shall be paid by the company to such mortgagee in satisfaction of his mortgage debt, as far as the same will extend; and thereupon such mortgagee shall convey and re-lease to them, or as they shall direct, all his interest in such mortgaged lands or streams, the value whereof shall have been so paid; and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee, and a copy of such memorandum shall at the same time (if required) be furnished by the company, at their expense, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

Deposit of money
when refused on
tender.

116. If upon payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or re-lease to the company, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the company, it shall be lawful for the company to deposit with the Treasurer of this Island for the time being, the amount of such value or compensation in the manner provided by this Act in the case of moneys required so to be deposited, and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debts, so far as the same will extend, and shall be a full discharge of the portion of mortgaged lands or streams so required from all money due thereon; and thereupon such lands shall become absolutely vested in the company, as to all such estate and interest, as were then vested in the mortgagee, or any person in trust for him, and in case such mortgagee were himself entitled to such possession, they shall be entitled to immediate possession thereof; nevertheless every such mortgagee shall have same powers and remedies for recovering or compelling payment of the mortgage money, or the residue thereof (as the case may be) and the interest thereof respectively, upon and out of the residue of such mortgaged lands or streams, or the portion thereof not required for the purposes of this Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands or streams originally comprised in such mortgage.

Disputes as to rent-
charges, &c.

117. If any difference shall arise between the company and the party entitled to any rent service, rent-charge, or chief, or other rent, or other payment, or incumbrance not hereinbefore provided for, upon any lands

or streams required to be taken for the purposes of this Act, respecting the consideration to be paid for the release of such lands or streams therefrom, or from the portion thereof affecting the lands or streams required for the purposes of this Act, the same shall be determined as in other cases of disputed compensation.

118. If part only of the lands or streams charged with any such rent service, rent-charge, chief, or other rent, payment and incumbrance, be required to be taken for the purposes of this Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge, and the owner of the lands or streams on the one part, and the company on the other part; and if such apportionment be not so settled by agreement, the same shall be settled by a jury as hereinbefore mentioned; but if the remaining part of the lands or streams so jointly subject, be a sufficient security for such charge, then, with the consent of the owner of the lands or streams so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands or streams required, on condition or in consideration of such other lands or streams remaining exclusively subject to the whole thereof.

119. Upon any payment or tender of the compensation so agreed upon, or determined, to the party entitled to any such charge as aforesaid, such party shall execute to the company a release of such charge, and if he fail so to do, or if he fail to adduce a good title to such charge, to the satisfaction of the company, it shall be lawful for them to deposit the amount of such compensation with the Treasurer of this Island for the time being, in the manner hereinbefore provided in like cases; and thereupon such lands or streams shall be released from such rent service, rent-charge, chief, or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

120. If any such lands or streams be so released from any such charge or incumbrance, or portion thereof to which they were subject jointly with other lands, such last-mentioned lands or streams shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands or streams for the whole or the remainder of the charge, as the case may be, as he had previously over the whole of the lands or streams subject to such charge; and if upon any such charge or portion of charge being so released, the deed or instrument creating or transferring such charge be tendered to the company for the purpose, they shall affix their common seal to a memorandum of such release endorsed on such deed or instrument declaring what part of the lands or streams originally subject to such charge shall have been purchased by virtue of this Act, and if the lands or streams be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable, or if the lands or streams so required shall have been released from the whole of such charge, then that the remaining lands or streams are thenceforward to remain exclusively charged therewith; and such memorandum shall be made and executed at the expense of the company, and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

121. The company shall not, except by consent of the owners and occupiers, enter upon such lands or streams which shall be required to be purchased, or permanently used for the purposes, and under the powers of this Act, until they shall either have paid to every party having any interest in such lands or streams, or deposited in the hands of the Treasurer of this Island in the manner herein mentioned, the purchase-money or compensation agreed or awarded to be paid to such parties respectively, for their respective interest therein: Provided always, That for the purpose merely of surveying and taking levels of such lands and of probing or boring to ascertain the nature of the soil, and of setting out

Release of part of land from charges.

Deposit in case of refusal to release.

Charge to continue on lands not taken.

Payment of purchase-money or compensation to be made previous to entry on lands except to survey.

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Company to be
allowed to enter on
lands before purchase
on deposit by way of
security of purchase-
money or compensa-
tion claimed, &c.

the line of the works, it shall be lawful for the company, after giving not less than three, nor more than fourteen days' notice to the owners or occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof.

122. If the company shall be desirous of entering upon and using any such lands or streams before an agreement shall have been come to, or any award or verdict given for the purchase-money or compensation to be paid to them in respect of such lands or streams, it shall be lawful for the company to deposit with the Treasurer of this Island for the time being by way of security as hereinbefore mentioned, either the amount of purchase-money or compensation claimed by any party interested in, or entitled to sell and convey such lands or streams, and who shall not consent to such entry or such a sum as shall, by freeholders appointed in the manner herein provided, in the case of parties who may be absent or cannot be found, be determined to be the value of such lands or streams or of the interest therein, which party is entitled to or enabled to sell and convey, or to give to such party a bond under the common seal of the company, with two sufficient securities to be approved of by the chief justice, in case the parties differ, in a sufficient penal sum conditioned for payment to such party or for deposit with the said Treasurer as aforesaid for the benefit of the parties interested in such lands or streams as the case may require, under the provisions herein contained, of all such purchase-money or compensation as may in manner hereinbefore provided, be determined, or be payable by the company in respect of the lands so entered upon, together with interest thereon at the rate of six per cent. per annum, where such lands or streams are not mortgaged, or in case such lands or streams are mortgaged at such rate as the mortgagee may be paying on his mortgage, from the time of entering on such lands, until such purchase-money or compensation shall be paid to such party or deposited with the Treasurer of the Island as aforesaid, for the benefit of the parties interested in such lands or streams under the provisions herein contained. And upon such deposit by way of security being made as aforesaid, and such bond being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the company to enter upon and use such lands or streams without having first paid or deposited the purchase-money or compensation in other cases required to be paid or deposited by them, before entering upon any lands or streams to be taken by them under the provisions of this Act.

Upon deposit being
made Treasurer to
give receipt.

123. The money so to be deposited, as last aforesaid, with the Treasurer of this Island for the time being, shall be placed by him to the credit of the parties interested in or entitled to sell and convey the lands or streams so to be entered upon, and who shall not have consented to such entry subject to the control and disposition of the said Court of Common Pleas. And upon such deposit being made, such Treasurer shall give to the company a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid to him.

Deposit to remain as
security and to be
applied under direc-
tion of Court of
Common Pleas.

124. The money so deposited, as last aforesaid, shall remain in the hands of the Treasurer of this Island for the time being, and his successors by way of security to the parties whose lands or streams shall so have been entered upon for the performance of the condition of the bond to be given by the company, as hereinbefore mentioned, and the same may, on the application by petition of the company, be ordered to be invested in securities, and accumulated. And upon the condition of such bond being fully performed, it shall be lawful for the Court of Common Pleas in this Island upon a like application to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the company; or if such condition shall not be performed, it shall be lawful for the said court to order the same to be applied in such manner

as it shall think fit for the benefit of the parties for whose security the same shall so have been deposited.

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125. If the company shall, except as aforesaid, wilfully enter upon and take possession of any lands or streams, which shall be required to be purchased or permanently used for the purposes of this Act without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands or streams, or such deposit by way of security as aforesaid, or giving such other security as aforesaid, the company shall forfeit to the party in possession of such lands or streams, the sum of ten pounds sterling over and above the amount of damages done to such lands or streams, by reason of such entry and taking possession as aforesaid; and if the company shall continue in unlawful possession of such lands or streams, they shall be liable to forfeit the sum of twenty-five pounds sterling for every day they shall remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands or streams, with costs by action in the Court of Common Pleas of this Island: Provided always, That nothing herein contained shall be held to subject the company to the payment of any such penalties as aforesaid, if they shall *bond fide* and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands or streams, to any person whom the company may have reasonably believed to be entitled thereto, or shall have deposited the same with the Treasurer of this Island for the time being, for the benefit of the parties interested in the lands or streams, or made such deposit, or given such bond by way of security in respect thereof, as hereinbefore mentioned, although such person may not have been legally entitled thereto.

Penalty on company taking possession of lands without consent of owners, before payment or deposit of purchase-money.

126. On the trial of any action for any such penalty as aforesaid, the decision of the court under the provision hereinbefore contained, shall not be held conclusive as to the right of entry on such lands by the company.

Decision of court in action for penalties not to be held conclusive as to the right of company.

127. No party shall at any time be required to sell or convey to the company a part only of any house or other building or manufactory, if such party be willing and able to sell and convey the whole thereof.

Parties not to be required to sell part of a house.

128. If any lands or streams not being situated in town or built upon, shall be so cut through and divided by the works as to leave either on both sides or on one side thereof, a less quantity of land than half a statute acre, and if the owner of such small parcel of land require the company to purchase the same along with the other land required for the purposes of this Act, the company shall purchase the same accordingly, unless the owner thereof have other land adjoining to that so left into which the same can be thrown, so as to be conveniently occupied therewith; and if such owner have any other land so adjoining, the company shall, if so required by the owner at their own expense, throw the piece of land so left into such adjoining land, by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

Owners of intersected land may insist on sale.

129. If any land shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expense of making a bridge, culvert, or such other communication between the lands so divided, as the company are, under the provisions of this Act, compellable to make, and if the owner of such lands have no other lands adjoining such piece of land, and require the company to make such communication, then the company may require such owner to sell them such piece of land, and any dispute as to the value of such piece of land, or as to what would be the expense of making such communication, shall be ascertained as herein provided for cases of disputed compensation; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works, the jury, or the arbitrators, as the case may be, shall, if required by either party, ascertain by their verdict or award the value of any such severed

Company may insist on sale when the expense of bridges, &c., exceeds the value.

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Company to pay the costs of litigation as to such interests.

piece of land, and also what would be the expense of making such communication.

130. In addition to the said purchase-money, compensation, or satisfaction, and before the company shall become absolutely entitled to any such estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the company and determined in favour of the party claiming the same, pay the full costs and expenses of any proceedings at law or in equity, for the determination or recovery of the same to the party with whom any such litigation in respect thereof shall have taken place, and such costs and expenses shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

Company to sell superfluous lands.

131. It shall be lawful for the company at any time after the expiration of the time limited by this Act for the completion of the works, absolutely to sell and dispose of all superfluous lands, acquired by them under the provisions of this Act, but which shall not be required for the purposes hereof, and to apply the purchase-money arising from such sale to the purposes of this Act.

Lands to be offered to owners of lands from which they were originally taken or of land adjoining.

132. Before the company dispose of any such superfluous lands, they shall, unless such lands be situate within a town, or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person, or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of lands, and where more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession, one after another, in such order as the company shall think fit.

Right of pre-emption to be claimed within six weeks.

133. If any such persons be desirous of purchasing such lands, then, within six weeks after such offer for sale, they shall signify their desire to the company, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer, shall cease, and an affidavit made before the Chief Justice of the Court of Common Pleas, by some person not interested in the matter in question stating that such offer was made and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of this Island, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

Difference of price of such to be settled by arbitration.

134. If any person entitled to such pre-emption be desirous of purchasing any such lands, and such persons and the company do not agree as to the price thereof, then such price shall be ascertained by arbitration as hereinbefore provided for, and the costs of such arbitration shall be in the discretion of arbitrators. Upon payment or tender to the company of the purchase-money so agreed upon or determined, as aforesaid, they shall convey such lands to the purchasers thereof by deed under the common seal of the company; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him, and a receipt under such common seal, as aforesaid, shall be sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received.

Effect of the word "grant" in conveyance.

135. In every conveyance of lands and streams to be made by the company under this Act the word "grant" shall operate as express covenants by the company for themselves and their successors, with the respective grantees therein named, and the successors, heirs, executors,

administrators, and assigns of such grantees, according to the quantity or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited, by express words contained in any such conveyance (that is to say), a covenant, that notwithstanding any act or default done by the company, they were at the time of the execution of such conveyance seized or possessed of the lands or premises thereby granted for an indefeasible estate or inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted free from all incumbrances done or occasioned by them. A covenant that the grantee of such lands or streams, his heirs, successors, executors, administrators, and assigns (as the case may be), shall quietly enjoy the same against the company and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the company and their successors, from all incumbrances created by the company. A covenant for further assurance of such lands or streams at the expense of such grantee, his heirs, successors, executors, administrators, or assigns (as the case may be), by the company, or their successors, and all other persons claiming under them, and all such grantees, and their several successors, heirs, executors, administrators, and assigns respectively, according to their respective quality, or nature, and the estate or interest in such conveyance expressed to be conveyed, [may in all actions brought by them assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyance.

136. And whereas the probable expense of making the said waterworks hereby authorized will amount to the sum of thirty thousand pounds sterling: Be it therefore enacted, That it shall be lawful for the company to raise among themselves the money for making the waterworks by this Act authorized, amounting to the sum of thirty thousand pounds sterling, the whole to be divided into six thousand shares of five pounds sterling each, and the said shares shall be and are hereby vested in the several persons so raising the same and their several and respective successors, executors, administrators, and assigns, to their proper use and benefit proportionably to the sums they shall severally contribute; and all persons and their several and respective successors, executors, administrators, and assigns, who shall severally subscribe for one or more share or shares (or such sum as shall be demanded in lieu thereof) towards carrying on and completing the said undertaking, and other the purposes of the said subscription, shall be entitled to and receive (at such time as the company or the directors of the company to be appointed as hereinbefore mentioned, shall direct and appoint) in proportionable parts according to the respective sums so by them respectively paid, the net profits and advantages which shall be realized by the company, as and when the same shall be divided by the authority of this Act; and every person having such property in the said undertaking as aforesaid shall bear and pay a proportionate sum towards carrying on the same to the full amount of his share or shares in the said undertaking, but not further or otherwise.

Company may raise among themselves 30,000*l.* in 5*l.* shares.

137. Provided always, and be it enacted: That the company shall be at liberty, for the purposes aforesaid, to raise a further sum by way of capital, of twenty thousand pounds sterling, to be divided into four thousand other shares of five pounds sterling each, to be issuable by the directors of the company to be hereinafter appointed, on such terms and conditions as shall be set forth and provided in the deed of settlement hereinafter referred to, for the management and regulation of the company.

Power to raise a further sum of 20,000*l.*

138. All the shares and proportions of, and in the said undertaking or the joint stock or fund of the company, shall be deemed personal estate, and be transmissible as such, and shall not be deemed of the nature of real property.

Shares to be personal estate.

No. 315.

19 August 1837.

Shares may be transferred.

Form of deed of sale.

139. It shall and may be lawful to and for the several proprietors of the said waterworks, his, her, or their respective successors, executors, administrators, and assigns, to sell and dispose of any shares to which he, she, or they may be entitled therein, subject to the rules and conditions herein mentioned, and the transfer of which shares shall be in the form, or to the effect following, that is to say, "I, A. B., of _____ in consideration of the sum of _____ paid to me by C. D., of _____

do hereby bargain, sell, assign, and transfer to the said C. D., the sum of _____ capital stock of, and in the Bridge-Town Waterworks Company, being part (or the whole, as the case may be) of my shares numbered _____ in the said undertaking, to hold to the said C. D., his executors, administrators, and assigns (or successors and assigns), subject to the same rules, orders, and restrictions, and on the same conditions that I held the same, immediately before the execution thereof; and I, the said C. D., do hereby agree to accept and take the said capital stock, or share or shares, subject to the same rules, orders, restrictions, and conditions; as witness our hands and seals, this day of _____

Witness,

Witness,

And on every such deed of sale or transfer being executed by the seller or sellers and the purchaser or purchasers of such share or shares, a minute thereof shall be taken and kept by the clerk of the said company, who shall enter the same in some book or books to be kept for that purpose, and endorse the entry of such minute on the said deed of sale or transfer, for which no more than the sum of two shillings and sixpence shall be paid to the said clerk: and the said clerk is hereby required to make such entry or minute accordingly, and, on request, a certificate of such transfer shall be delivered by him to the purchaser or purchasers for his or their security, and for which certificate no more than two shillings and sixpence shall be paid; and until such minute shall have been made and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said waterworks, nor any interest for such share paid to him, her, or them, nor any vote in respect thereof as a proprietor or proprietors of the said undertaking; but upon such entry or minute being made, such purchaser or purchasers shall become entitled to all the rights, privileges, and advantages of a proprietor or proprietors in the said waterworks.

Subscribers may be sued for subscriptions.

140. The several persons who shall subscribe for or towards the said undertaking shall and are hereby required to pay the respective sums of money by them respectively subscribed for, or such parts or proportions thereof as shall from time to time be called for by the directors of the company, under and by virtue of the powers and directions of this Act, and of the deed of settlement, at such times and places as shall be directed by the said directors. And in case any person shall refuse or neglect to pay the money by him so subscribed for, or the part thereof so called for at the time and in manner required for that purpose, it shall be lawful for the company, or for the said directors to sue for and recover the same in any court of law or equity, in the name of the company.

Liability limited.

141. That no shareholder of the company shall be liable for or charged with the payment of any debts or demand due from or by the company, beyond the extent of his shares of the capital of the company not then paid up.

Names of proprietors and number of their shares to be entered in a book, and certificates delivered to them.

142. That the company shall and they are hereby required to cause the names of the several bodies, and the names and additions of the several persons who respectively shall be entitled to shares in the said waterworks, with the number of shares which they are then respectively entitled to hold, and the amount of the subscription paid thereon, to be fairly and distinctly entered in a book to be kept by the secretary or clerk of the company, and after such entry made, to cause a certificate or ticket under the hands of two of the directors, or with the common seal

of the company affixed thereon, to be delivered to every such subscriber on demand, specifying the share or shares to which he is entitled in the said waterworks, such certificate or ticket shall be admitted in all courts as *prima facie* evidence of the title of such respective subscribers, their successors, administrators, or assigns, to the share or shares therein specified; but the want of such certificate or ticket shall not hinder or prevent the proprietor of any of the said shares from selling or disposing thereof; and such certificate or ticket may be in the words or to the effect following (that is to say),

"No.

} "The Bridge-Town Waterworks Company.

"By virtue of an Act of the Legislature of the Island of Barbados, made and passed in the year of the reign of her Majesty Queen Victoria, entitled An Act for authorizing the making of Waterworks for the City of Bridge-Town, to be called 'The Bridge-Town Waterworks Act:'

"These are to certify that A. B., of is a proprietor of shares of the Bridge-Town Waterworks Company, subject to the rules and regulations and orders of the company, as well under the said Act as under the deed of settlement duly signed by him; and that he the said A. B., his executors, administrators, or successors, and assigns, is and are entitled to the profits and advantages of such share (or shares) given under the common seal of the company the day of in the year of our Lord One thousand eight hundred ."

143. If any such certificate or ticket as aforesaid shall be worn out or damaged, then upon the same being brought or shown at some meeting of the directors of the company, such certificate or ticket may be cancelled or destroyed, and another similar certificate or ticket may be given under the hands of two of the said directors, or under the common seal of the company, to the party in whom the property of such certificate, and the share or shares therein mentioned shall be at the time vested; or in case such certificate or ticket should be lost or burned, or totally destroyed, then upon due proof thereof, a similar certificate or ticket shall be given to the person who was the proprietor of, or entitled to the certificate or ticket so lost, burned, or destroyed, and a due entry of the transfer of such certificate or ticket (if any such have been made) shall be entered by the secretary or clerk of the company in manner herein directed, the said secretary or clerk receiving for every such certificate or ticket, which shall be so given or exchanged, no more than the sum of two shillings and sixpence.

Certificates damaged, lost, &c., how to be replaced.

144. It shall be lawful for the company from time to time, with consent of three-fourths of the votes of the shareholders present in person or by proxy at any general meeting of the company, upon due notice for that purpose given as herein provided, to consolidate all or any part of the shares then existing in the capital of the company, and in respect whereof the whole money subscribed shall have been paid up, into a general capital stock to be divided amongst the shareholders according to their respective interest therein, such notice to be regulated by some one of the bye-laws of the company, according to the distance at which the shareholders may reside from the place where any such meeting shall be held.

Company empowered to convert shares into stock.

145. After such conversion or consolidation shall have taken place, all the provisions herein contained which require or imply that the capital of the company shall be divided into shares of any fixed amount, shall, as to so much of the capital as shall have been so converted or consolidated into stock, cease and be of no effect; and the several holders of such stock may henceforth transfer their respective interest therein or any parts of such interest in the same manner and subject to the same regulations and provisions as, or according to which any share or shares in the capital of the company might be transferred under the provisions

Holders of stock may transfer their interests therein, in the same manner as shares may be transferred.

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Register of holders of consolidated stock to be kept.

Holders of stock to participate in dividends according to amount of interest, and to have the same privileges, &c., as holders of shares.

When one moiety of original capital paid up, company may borrow an additional sum of 10,000*l.* on the credit of the undertaking.

Form of mortgage.

herein contained; and the company shall cause an entry to be made in some book to be kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding two shillings and sixpence.

146. The company shall from time to time cause the names of the several parties who may be interested in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for that purpose, and to be called "The Register of Holders of Consolidated Stock;" and such book shall be accessible at all seasonable times to the several holders of shares in the company.

147. The several holders of such stock shall be entitled to participate in the dividends and profits of the company according to the amount of their respective interest in such stock, and such interest shall in proportion to the amount thereof confer on the holders thereof respectively, the same privileges and advantages for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if consisting in shares, have conferred such privileges or advantages respectively.

148. So soon as one moiety of the original capital of thirty thousand pounds, hereby authorized to be raised by subscription as hereinbefore mentioned, shall have been paid up for the purposes of this Act, it shall be lawful for the company, by order of any general or special general meeting of the company, from time to time to borrow and take up at interest, or otherwise, any further sum not exceeding in the whole ten thousand pounds, on the credit of the said undertaking, and of any lands belonging to the company, or of any part or proportion thereof as to them shall seem proper; and the company or the directors of the company, after an order shall have been made for that purpose by any general meeting, or special general meeting, are hereby authorized and empowered to mortgage, assign, and charge all funds and property belonging to the company, the costs and charges of mortgaging, assigning, and charging the same to be paid out of the funds of the company as a security for any such further sums of money to be borrowed as aforesaid, with interest to or for the benefit of the party who shall advance the same; all which mortgages, assignments, and charges shall be made under the common seal of the company in the words or to the effect following, or with such variations therein as the circumstances of the case may render necessary (that is to say), "The Bridge-Town Waterworks Company, by virtue of an Act passed in the year of the reign of Queen Victoria, entitled 'An Act for the making and maintaining a Waterworks Company for the City of Bridge-Town, to be called the Bridge-Town Waterworks Company:' We the company of proprietors of the Bridge-Town Waterworks Company, incorporated by and under the said Act, in consideration of the sum of *to us in hand,* paid by A. B., of *do assign unto the said A. B., his* executors, administrators, and assigns, the said undertaking, and all the works thereto belonging, all sums of money accruing by virtue of the said Act, and all lands, tenements, and hereditaments held by and belonging to us under and by virtue of the said Act (or some part or proportion thereof): [*here state the part or proportion to be assigned.*] And all our estate, right, title, and interest of, in, and to the same, to hold unto the said A. B., his executors, administrators, and assigns, until the said sum of *, together with interest for the same, after the rate* for every one hundred pounds, for a year, shall be fully paid and satisfied. Given under our common seal of the company this *day of* in the year of our Lord One thousand eight

hundred and .” And the parties to whom such mortgages, assignments, and charges shall be made, shall be entitled to such proportions of the said undertaking, and the said sums of money, lands, tenements, or hereditaments, according to the respective sums in such mortgages, assignments, and charges mentioned to be advanced, and be paid such sums on an equal footing, and without preference by reason of priority of date of any such mortgage, assignment, or charge, or on any other account whatsoever. And an entry or memorial of every such mortgage, assignment, or charge, containing the number and date thereof, and the names of the parties, with their proper additions, to whom the same shall have been made, and of the sums borrowed, together with the rate of interest to be paid thereon, shall, within fourteen days after the date thereof, be entered in some book to be kept by the secretary or clerk of the company, which said book may be perused at all seasonable hours by the proprietors or creditors of the said undertaking or other persons interested therein, without fee or reward; and all persons to whom any such mortgage, assignment, or charge shall have been made as aforesaid, or who shall have been entitled to the money due thereon, may from time to time transfer their respective right and interest therein to any other person; and every transfer thereof shall and may be in the words, or to the effect following, (that is to say)—“I, A. B., of in consideration of the sum of paid by C. D., of do hereby transfer a certain mortgage made by the company of proprietors of the Bridge-Town Waterworks to bearing date the day of One thousand eight hundred and , for securing the sum of and interest, all my right, estate, and interest in, and to the money thereby secured, and in and to the said undertaking, and all sums of money, lands, tenements, and hereditaments thereby assigned to the said C. D., his executors, administrators, and assigns. Dated this day of in the year of our Lord, One thousand eight hundred and .” And every such transfer shall, within thirty days after the date thereof, if executed in the said Island, or otherwise, within thirty days next after the arrival thereof in the said Island, if executed elsewhere, be produced to the secretary or clerk of the company, who shall cause an entry or memorial to be made thereof in the same manner as of the original mortgage, assignment, or charge, for which such secretary or clerk shall be paid such sum as the company shall appoint, not exceeding two shillings and sixpence, and after such entry made every transfer shall respectively entitle such assignee, his executors, administrators, and assigns, to the full benefit thereof and payment thereon, and it shall not be in the power of any person who shall have made such transfer to make void, release, or discharge the mortgage, assignment, or charge, or any sum of money thereon due, or thereby secured, or any part thereof.

Form of transfer of mortgage.

149. The interest of the money which shall be raised by mortgage, assignment, or charge, as aforesaid, shall be paid half-yearly to the several persons entitled thereto, in preference to any dividends payable by virtue of this Act to the proprietors of the company or any of them; and in case the same interest or any part thereof shall be unpaid by the space of thirty days next after they shall have become due and payable as aforesaid, and the same shall not be paid within thirty days next after demand thereof in writing shall have been made to the company or left in the office of the company, it shall be lawful for two or more Justices of the Peace acting within their respective jurisdictions, and not being interested in the event in question, and they are hereby required (on request to him made by or on behalf of any mortgagee whose interest shall be so in arrear), to receive the whole, or such parts of the said rates or sums as are liable to pay such interest so due and unpaid as aforesaid. And the money so to be received by such person is hereby declared to be so much received by or to the use of the person to whom such interest shall be then due, until the same, together with the costs

Payment of interest on money raised on mortgage.

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and charges of recovering and receiving the rates of sums, shall be fully satisfied and paid; and after such interest, costs, and charges shall have been paid and satisfied, the power and authority of such receiver, for the purposes aforesaid, shall cease and determine, or otherwise the said interest so due and unpaid as aforesaid, may be sued for and recovered with costs, by an action of debt in any of her Majesty's courts of record in the said Island.

Mortgagees not to be deemed proprietors.

150. Provided always, and be it enacted, That no person to whom any such mortgage, assignment, or charge shall be made, shall be deemed a proprietor of any share, or be capable of acting or voting as such, at any meeting of the company, for or on account of his having advanced any money on such mortgage, assignment, or charge.

Company may raise money in lieu of any part of additional sum of 10,000*l.* paid off.

151. In case the company shall raise the whole or any part of the said additional sum of ten thousand pounds by mortgage, assignment, or charge, and shall afterwards be required, or shall be desirous to pay off, or shall have paid off all or any part of the principal sum secured by any such mortgage, assignment, or charge; then and in every such case it shall be lawful for the company immediately, or at any time thereafter, again to raise in lieu of the principal money so paid off or to be paid off by them, such sums of money as they shall from time to time have paid off, or be required or desirous to pay off to the holders of the mortgages, or any of them, or any part thereof, and so from time to time as often as the same shall happen; but so, nevertheless, that the company shall not in any extent borrow upon mortgage, assignment, or charge, in such manner or to such extent as that more than ten thousand pounds in the whole be owing at any one time on mortgage, assignment, or charge of the said undertaking; and when and so soon as the principal money, interest, costs, and charges secured by any mortgage, assignment, or charge, which shall be made in pursuance of the provisions of this Act, shall have been fully paid and satisfied, the person to whom such mortgage, assignment, or charge shall be made as aforesaid, his executors, administrators, or assigns, shall and he is hereby empowered to reconvey to the company, at the expense of the company, the hereditaments comprised in the said mortgage, assignment, or charge, or so much thereof as shall not have been previously sold or absolutely foreclosed.

Not to exceed 10,000*l.* on mortgage in the whole at any one time.

Application of capital.

152. All subscriptions and moneys to be raised by the company under the powers of this Act, shall be laid out and applied in the first place in paying all costs, charges and expenses incurred in or about the formation of the company, or subsequent thereto, and also in applying for, obtaining, and passing this Act, and all other expenses preparatory or relating thereto; and the remainder of such money shall be applied in or towards purchasing lands or streams, and of any mortgages, sales, and re-conveyances, and the cost and expenses incident thereto, together with all necessary engines, pipes, fire-plugs, stand-pipes, and other necessities for making and maintaining the water-works, and in otherwise carrying this Act into execution.

Interest on subscriptions paid in advance.

153. If any subscriber to the said undertaking shall be desirous to pay or advance immediately into the hands of the said directors, or to such person whom they shall appoint to receive the same, the full amount of his or her subscription, or any part thereof, not being less than twenty pounds, without waiting for the said future call or calls, then and in such case it shall be lawful for the said directors, if they shall think fit, to pay the said subscriber or subscribers, out of the funds of the said company, interest upon the same, at the rate of six per cent. upon the amount which such payment or advance may be over and above the said calls, and from the period of the calls immediately preceding such payment or advance, up to the period of each subsequent calls respectively, according to the sum then in advance, and above the amount of the said calls.

Appointment of directors, &c., to be governed by deed of

154. The appointment of all directors and auditors, and the appointment and management of all officers, servants of the company, and all and every the regulations for meetings of the company, or the share-

holders, or the directors thereof, or any boards or quorums thereof, the increasing of the shares of the company, and the disposal thereof, and all and every the matters of detail in the management of the internal affairs and regulations of the company not by this Act provided for, shall be governed by a deed of settlement, to be executed by every proprietor or his representative, and by such rules, bye-laws, orders, and regulations as are hereinafter mentioned; such deed of settlement to be binding on all and every the proprietors or shareholders of the company, whether executed by them or not: Provided always, That nothing contained in such deed of settlement shall be repugnant to the provisions of this Act, and that no proprietor or shareholders who shall not have executed such deed of settlement shall be at liberty to vote at any general or special meeting or meetings of the shareholders on any question whatever.

155. The directors appointed by such deed of settlement shall continue in office until the first ordinary meeting to be held in the year next after that in which such deeds of settlement shall come into operation; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by such deed of settlement, or any member of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by such deed of settlement being eligible as members of such new body; and at the first ordinary meeting to be held every year thereafter, the shareholders present, personally or by proxy, shall elect persons to supply the places of the directors then retiring from office agreeably to the provisions to be contained in such deed of settlement; and the several persons elected at any such meeting who shall be neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead. Election of directors

156. The secretary or clerk of the company shall, in some proper book to be provided by the company for that purpose, enter and keep a true account and list of all the proprietors of the said waterworks, as also of their locality or places of abode (whether corporations or individuals), and all changes of such places of abode as the same shall be reported to or become known by him, and of the several bodies and persons who shall from time to time, by transfer or otherwise, become proprietors thereof or be entitled to any share therein; and every proprietor of the said waterworks, or being a corporate body by the secretary, clerk, or agent duly appointed, may at all convenient times have recourse to and peruse the same gratis, and may demand and have copies thereof, or of any part thereof, paying at and after the rate of one shilling for every one hundred words so to be copied; and if any such secretary or clerk of the company hereby incorporated shall refuse to permit any such proprietor or agent as aforesaid to peruse such book at all convenient times, or refuse to make such copy within a reasonable period at the rate aforesaid, he shall for every such offence forfeit and pay any sum not exceeding Five Pounds for the benefit of the waterworks. List of proprietors.

157. The directors shall have power from time to time to make calls for money from the subscribers, to aid proprietors of the said undertaking to defray the expenses of, or to carry on the same, as they from time to time shall find necessary for those purposes, so that no such call shall exceed the sum of one pound upon each share, which any person shall or may be possessed of or entitled to in the said undertaking; and such calls shall not be made but at the distance of ninety days at the least from each other, and thirty days' notice at least shall be given of all such calls, by circular addressed to each shareholder by the treasurer, clerk, secretary, or other officer of the company for the time being, the placing of which in the post-office, or being left at the residence of such shareholder by the treasurer, secretary, clerk, or other officer of the company, shall be considered legal delivery thereof; which moneys so called for shall be paid to such persons and in such manner as the said directors shall from Power to directors to make calls.

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Interest on unpaid calls.

Enforcement of calls by proceedings before justice of the peace or in any court of record.

Forfeiture of shares for nonpayment of calls.

Notice of forfeiture to be given before declaration thereof.

Sale of forfeited shares.

Declaration in action for calls.

Evidence in action for calls.

time to time direct and appoint for the use of the said undertaking; and every owner of any share in the said undertaking shall pay his rateable portion of the moneys, to be called for as aforesaid, to such persons and at such times and places as the directors shall from time to time direct and appoint. And if any owner of such share shall not pay such his rateable portion, then and in such case and so often as the same shall happen, such owner shall pay interest for the same after the rate of six per cent. per annum, from the day appointed for the payment thereof, up to the time when the same shall be actually paid. And if any owner of any such share shall neglect or refuse to pay such his rateable proportion, together with the interest for the same, for the space of three calendar months after the day appointed for the payment thereof, then it shall be lawful for the said directors in the name of the company to sue for and recover the same before any Justice of the Peace or in any of her Majesty's Courts of Record, by action of debt on the case, or by bill, suit, or information, wherein no essoin, protection or wager of law, nor more than one imparlance, shall be allowed; or the said directors may, and they are here authorized to declare the shares belonging to any person so refusing or neglecting to pay any such calls, together with interest, in manner last aforesaid, and all moneys by way of deposits, calls or otherwise paid thereon respectively, to be forfeited and subject to be sold in manner hereinafter directed: Provided, nevertheless, That no advantage shall be taken of any forfeiture of any share of the said undertaking, until notice in writing under the hand of the secretary, treasurer, or clerk of the company, of such share having been declared by the said directors forfeited, shall have been given or sent as hereinbefore mentioned, unto the owner of such share or shares, nor until the declaration of forfeiture of the said directors shall have been confirmed, either by a general meeting of the company or at a special general meeting of the company to be called for that purpose, and to be respectively held after the expiration of one month at the least, from the day on which such notice of forfeiture shall have been given; and when such forfeiture shall have been confirmed by the general meeting or special general meeting, the company shall have power to direct the said directors to dispose of the shares so forfeited.

158. In any action to be brought by the company, or by any two of the said directors, against the proprietor of any share in the said undertaking to recover any money due and payable to the company, for or by reason of any call made by virtue of this Act, it shall be sufficient for the company or the said directors to declare and allege that the defendant, being a proprietor of so many shares in the said undertaking, is indebted to the company in such sum of money as the calls in arrear shall amount to for so many calls of such sums of money upon so many shares belonging to the said defendant whereby an action hath accrued to the company by virtue of this Act, without setting forth the special matter. And on the trial of such action, it shall only be necessary to prove that the defendant at the time of making such calls was the proprietor of some share in the undertaking, and that such calls were in fact made, and that such notice thereof was given, as is directed by this Act, without proving the appointment of the directors who made such calls or any other matter whatsoever, and the company shall thereupon be entitled to recover what shall appear due, including interest computed as aforesaid, on such calls, unless it shall appear that any such call exceeded one pound for every share of five pounds sterling, or was made within the distance of ninety days from the last preceding call, or without notice given by circular as aforesaid. And in order to prove that such defendant was a proprietor of some share in the said undertaking as alleged, the production of the book in which the secretary or clerk of the company is by this Act directed to enter and keep the names and additions of the several proprietors of shares in the said undertaking, with the number of shares they are respectively entitled to hold, and of the locality and places of abode of

the several proprietors of the said undertaking, and of the several persons and bodies who shall from time to time become proprietors thereof, or be entitled to any share therein, shall be *prima facie* evidence that such defendant is a proprietor, and of the number and amount of his shares therein.

159. And whereas in cases where any proprietor of any share in the said waterworks shall die, become insolvent, or bankrupt, or shall transfer his right or interest therein to some other person, and no register shall have been made of the transfer thereof with the secretary or clerk of the company, it may not be in the power of any officer acting for the company to ascertain who is the proprietor of such share, in order to give him or his executors, administrators, or successors, or assigns, notice of calls to be made on such share, or to maintain any action, suit, or proceedings against him or his executors, administrators, successors, or assigns, for the recovery of the same: Be it therefore enacted, That in all cases aforesaid where the right of property in any share in the said waterworks shall pass from the original subscriber or any proprietor thereof to any person, or to any body corporate, by any other means than by a transfer or conveyance thereof in the form or manner herein specified, or herein otherwise provided, an affidavit shall be made and sworn to by two credible persons, before any of her Majesty's Justices of the Peace, stating the manner in which such share had been passed to such other person or such body corporate, and such affidavit shall be delivered to and left with the secretary or clerk of the company, to the intent that he may preserve the same, and enter and register the name of such other proprietor, or the description of every body corporate, in the register-book or list of proprietors in the said waterworks company, to be kept in the office of the company.

Proof of transfer of shares by operation of law, &c.

160. The said directors shall and they are hereby required to cause a true, exact, and particular account to be kept and annually made up and balanced twice in every year (that is to say), on the Thirtieth day of June and the Thirty-first day of December in each year, of the money received by for or the use of the company by virtue of this Act; and of the charges and expenses attending the making, maintaining, and carrying on the said undertaking, and of all other the receipts and expenditures of or for the company up to that period. And it shall be lawful for the company, and they are hereby empowered from time to time, at the half-yearly general meeting of the proprietors of the said undertaking or at any special general meeting to be from time to time held as aforesaid or at some adjournment thereof, to declare a dividend out of the clear profits of the said undertaking if the majority of the proprietors present at any such meeting shall think proper so to do; and such dividend shall be at and after the rate of so much per share upon the several shares held by the members thereof in the joint stock of the company, as such meeting shall determine: Provided also, That no dividend shall be made whereby the capital of the company shall be in any degree reduced or impaired; nor shall any dividend be paid in respect of any share after a day appointed for payment of any call of money in respect thereof, until such call shall have been paid.

Account to be kept and balanced twice a year.

Dividends.

Dividends not to be paid out of capital, &c.

161. And whereas by the death or by other after-mentioned events happening to proprietors, or by the marriage of female proprietors of shares in the said waterworks, it may be difficult to ascertain to whom the dividends arising or becoming due upon such shares ought to be paid or belong: Be it therefore enacted, That before any person who shall claim any part of the profits of the said waterworks in right of marriage with any female proprietor, shall be entitled to receive the same, or be entitled to vote in respect of any share, an affidavit in writing containing a copy of the register of such marriage, or other particulars of the celebration thereof, and identifying the wife as the proprietor of the share in respect whereof such claim may be made, shall be made and sworn to by some credible person, before some Master in Chancery, or

Proof of property in shares occurring by death, marriage, &c., of original proprietor.

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any one of her Majesty's Justices of the Peace, and shall be transmitted to the secretary or clerk of the company, who shall file the same and make an entry thereof in the book which shall be kept by the said secretary or clerk for the entry of transfer or sale of shares; and before any person who shall claim any part of the profits of the said waterworks, by virtue of any bequest or will, or in the course of administration, shall be entitled to receive the same, or be entitled to vote in respect of any share, the said will or the probate thereof or the letters of administration shall be produced and shown to the said secretary or clerk, or a copy of so much of the said will as shall relate to the share of the testator or intestate shall be made and sworn to by the executors of the said will or the administrators of the intestate before some Police Magistrate, and shall also be transmitted to the said secretary or clerk, who shall file and enter the same as hereinbefore mentioned; and in all cases other than as hereinbefore mentioned when the right and property of any share of the said waterworks shall pass from any proprietor thereof to any other person, by any other legal means than by a transfer and conveyance thereof duly made and executed as hereinbefore directed, an affidavit in writing shall be made and sworn to by some credible person before some Police Magistrate or Justice of the Peace, stating the manner in which such share hath been passed to such other person, and such affidavit shall be transmitted to the secretary or clerk of the company, who shall thereupon enter and register the name of every such new proprietor in the register-book or list of the proprietors of the company, and the said secretary or clerk shall be entitled to receive for each entry as is hereafter directed no more than two shillings and sixpence, and the company shall not be bound to see to the execution of any trust (whether express or constructive) to which any share aforesaid shall be subject or liable.

Company not bound
to regard trusts.

162. The receipt of the person or of any one of the persons in whose name or names any share in the said undertaking shall stand in the book of the company shall from time to time be a sufficient discharge to the company or to the directors or treasurer for the time being of the company for any dividend or other sum of money which shall become payable and be paid for or in respect of such share, notwithstanding any uses or trusts upon or to which such share shall be then settled, conveyed or assigned, and the company shall not be bound to see to the application of the money mentioned in such receipt.

What sufficient receipt
where money payable
to minor, idiot, or
lunatic.

163. In all cases where money shall be payable under the provisions of this Act to any proprietor who shall be a minor, idiot, or lunatic, the receipt of the guardian, if any, or if not, of the parent of such minor, or of the committee, if any, or if not of the parent, or if none, of a brother or sister of such idiot or lunatic, shall be a sufficient discharge to the company and their treasurer for the same.

Liability of directors
for payment of divi-
dend when company
insolvent, &c.

164. If the directors of the company shall declare and pay any dividend when the company is known by them to be insolvent, or any dividend the payment of which would to their knowledge render it insolvent, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall thereafter be contracted, so long as they shall respectively continue in office; Provided always, That the amount for which they shall be so liable shall not exceed the amount of such dividend; and that if any of the directors shall be absent at the time of making the dividend or dividends so declared or paid, or shall object thereto, and shall file their objection in writing with the clerk of the company, they shall be exempted from the said liability.

Works, &c., vested in
directors.

165. The waterworks and other matters and things thereunto belonging, and all the materials thereof, and all engines, tools, implements, and things of whatsoever description the same may be, hereafter provided for any of the purposes of this Act, or of the waterworks, or other works, and also all books, writings, papers, documents, relating to the execution thereof, and all sums of money and securities for money of what kind the same may be, belonging to the company, shall be and are

hereby vested in the said directors and their successors for the use of the company, under the provisions and conditions hereinbefore mentioned and provided.

166. Every officer or person employed by the company shall from time to time, when required by the directors, make out and deliver to them or to any person appointed by them for that purpose, a true and perfect account in writing under his hand, of all moneys received by him on behalf of the company; and such account shall state how and to whom and for what purpose such moneys shall have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts. Officers of company to account, &c.

167. If any such officer fail to render such account and to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when required, or if for three days after being thereunto required, he fail to deliver up to the directors or to any person appointed by them to receive the same—all matters and property, effects, matters and things in his possession or power, relating to or belonging to the company—then on complaint thereof being made to any Police Magistrate, such Police Magistrate may, by warrant under his hand and seal, cause such officer to be brought before him, and upon such officer being so brought before him, or if such officer cannot be found, then, in his absence, such Police Magistrate may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear either upon confession of such offender, or upon evidence, or upon inspection of the accounts, that any moneys of the company are in the hands of such officer, or owing by him to the company, such Police Magistrate may order such officer to pay the sum, and if he fail to pay the amount it shall be lawful for such Police Magistrate to grant a warrant to levy the same by distress, or in default thereof commit the offender to gaol, there to remain without bail for a period not exceeding three months, and in any of the following cases, (that is to say)—

If any such officer do not appear before the Police Magistrate at the time and place appointed for that purpose, or—

If such officer appear but fail to make out such account in writing, or—

If such officer refuse to produce and deliver up to the Police Magistrate the several vouchers and receipts relating to such account, or—

If such officer refuse to deliver up any books, papers, or writings, property, effects, matters or things in his possession or power, belonging to the company, such Police Magistrate may lawfully commit such offender to gaol; and in every such case of commitment, the prisoner shall remain in custody without bail until he has made out and delivered such account, and delivered up the vouchers and receipts (if any) relating thereto, in his possession or power, and have delivered up such books, papers, writings, property, effects, matters and things (if any) in his possession or power: Provided always, That no such proceeding against or dealing with any such officer as aforesaid shall deprive the company of any remedy which they might otherwise have against any surety of such officer.

168. It shall be lawful for the company to make rules, regulations, bye-laws, and orders for the government of the company, and of all persons and matters connected therewith, and from time to time to alter such rules, regulations, bye-laws and orders, provided that such rules, regulations, bye-laws and orders shall not be repugnant to the laws of this Island or to the provisions of this Act; and provided always, that no such rules, bye-law, or order, or any repeal of or alteration therein, Power to make bye-laws.

No. 315.
19 August 1867.

Penalty for offences
against bye-laws.

Bye-laws when con-
firmed and published
binding on all parties.

Proof of publication.

Recovery and appro-
priation of penalties.

Damages, &c., in cer-
tain cases to be deter-
mined by police ma-
gistrate.

shall be of any validity, unless the same be approved of by the Governor-in-Council of this Island for the time being, and such approval certified by such Governor under his hand and seal; and provided also, that such rules, regulations, bye-laws and orders shall be made at a general or special meeting of the shareholders of the company and assented to by the majority of the shareholders present at such meeting, and when so confirmed shall be printed and published in the official *Gazette* of this Island.

169. Such rules, bye-laws or orders, when so approved and published, shall have affixed thereto the common seal of the company; and any person offending against any such rules, bye-laws, or orders, shall forfeit for every such offence any sum not exceeding Five Pounds, to be imposed on the complaint of the company before any Police Magistrate of the city of Bridge-Town as a penalty for any such offence: and if the infraction or non-observance of any such rules, bye-laws, or orders, or other such regulation as aforesaid, be attended with danger or annoyance to the public, or hindrance to the company, in the lawful use of the waterworks, it shall be lawful for the company summarily to interfere, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such rule, bye-law, or order.

170. Such bye-laws, rules, or orders, when so confirmed and published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such bye-law, rule or order, it shall be sufficient to prove that the said bye-laws, rules, or orders were published as aforesaid.

171. All penalties and forfeitures inflicted or imposed by this Act, or by virtue of any bye-law, rule, or order made in pursuance thereof (the manner of levying and recovering whereof is not herein otherwise particularly directed), may, in case of nonpayment thereof, be recovered in a summary way by the order and adjudication of any Police Magistrate for the parish or town wherein the cause or matter of complaint may have arisen, on complaint to him for that purpose made, and afterwards to be levied, as well as the costs (if any) of such proceedings, on non-payment, as in the case of servants' wages; and the overplus (if any) of the money so raised and recovered, after discharging such penalty and forfeiture, and the costs and expenses as aforesaid, shall be returned on demand to the party whose lands, goods, and chattels shall be levied on, and all such penalties and forfeitures, not herein directed to be otherwise appropriated, shall be paid, one moiety to the informer and the remainder to her Majesty, her heirs, and successors, to be paid into the Public Treasury for the use of the Island; and in case it shall appear to the satisfaction of such Police Magistrate, upon the confession of the offender or otherwise, that he has not sufficient lands, goods, and chattels, whereupon such penalties, forfeitures, costs, and expenses can be levied, if a warrant of distress should be issued, such Police Magistrate shall not be required to issue such warrant of distress, but it shall be lawful for such Police Magistrate, and he is hereby required by his warrant, under his hand and seal, to commit such offender to the common gaol, there to remain without bail or mainprize for any time not exceeding Three calendar months unless such penalty or forfeiture shall be sooner paid and satisfied, together with all costs and charges attending such proceedings as aforesaid, to be ascertained by such Police Magistrate, or until such offender shall otherwise be discharged by due course of law.

172. In all cases wherein damages or charges are by this Act authorized to be paid, and the manner of ascertaining the amount thereof is not specified or provided for, such amount in case of nonpayment or of any dispute respecting the same, shall be ascertained and determined by the Police Magistrate of the parish or town in which the same shall have been incurred, who is hereby required and authorized to investigate

the same on oath or otherwise; and where by this Act any damages or charges are directed to be paid in addition to any penalty for any offence, the amount of such damages and charges in case of nonpayment, or of any dispute respecting the same, shall be settled and determined by the Police Magistrate, by or before whom any offender shall be convicted of such offence, and such Police Magistrate is hereby authorized and required, on the nonpayment of the damages in any of the cases aforesaid, to levy such damages and charges by distress and sale of the offender's goods and chattels, in manner directed by this Act for the levying of any penalties or forfeitures as aforesaid.

173. In all cases in which by this Act any penalty or forfeiture is made recoverable by information before any Police Magistrate, it shall and may be lawful for any such Police Magistrate, before whom complaint shall be made for any offence committed against this Act, to summon before him the party complained against, and on such summons to hear and determine the nature of such complaint, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed for the recovery of the same, although no information in writing shall have been exhibited before such Police Magistrate, and all such proceedings by summons without information in writing shall be as valid and effectual to all intents and purposes as if information in writing had been exhibited.

Proceedings before police magistrates may be by summons without information in writing.

174. If any person against whom the company shall have any claim or demand, shall take the benefit of any act for the relief of insolvent debtors or insolvent traders, it shall be lawful for the managing director, or treasurer, or secretary of the company, in all proceedings against such insolvent, or under any sequestration or act of insolvency against such insolvent, to represent the company, and act on their behalf in all respects as if such claim or demand had been the claim or demand of such managing director or treasurer, and not of the company.

Proceedings by company against insolvent debtors or traders.

175. It shall and may be lawful for the Police Magistrate of any parish or town, from time to time, to appoint such fit and proper persons, as shall be nominated by any three of the directors of the company, for that purpose, to be special constables within the waterworks and every or any part thereof, and every person so appointed shall make oath in due form of law before such Police Magistrate (who is authorized and required to administer the same) duly to execute the said office of constable for the said premises, and every person so appointed and sworn as aforesaid shall have power to act as a constable for the preservation of peace, and for the security of persons and property against felonies, and any unlawful acts within the limits of the said premises, and shall have, use, exercise, and enjoy all such powers, authorities, protections and privileges for the apprehending offenders as well by night as by day, and for doing all acts, matters, and things for the prevention, discovery, and prosecution of all felonies and other offences, for the preservation of peace, as constables or police officers, duly appointed, now have by the laws and statutes of this Island, or by the common law of Great Britain. And it shall be lawful for every such Police Magistrate or proper representative of the company, to dismiss or remove any such constable from his office of constable, and upon every such dismissal or removal, all powers, authorities, protections, and privileges by virtue of such appointment as aforesaid vested in any person so dismissed or removed shall wholly cease.

Power to police magistrates to appoint persons to be special constables within the waterworks.

Constables may be removed by Police Magistrate or representative of company.

176. It shall be lawful for any collector, surveyor, or other officer of the company, or for any police officer or constable, and all such persons as he shall call to his assistance, to seize and detain any person being unknown to such collector, surveyor, or other officer, who shall commit any offence against this Act, and to convey him before the Police Magistrate, for the parish wherein such offence shall be committed, without any warrant or other authority than this Act for so doing, and such

Persons offending against this Act, being unknown to officers, may be apprehended without warrant.

No. 315.

19 August 1857.

Form of conviction
for offences against
this Act.

Police Magistrate is hereby empowered and required to proceed immediately to the hearing and determining of the complaint.

177. All Police Magistrates before whom any person shall be informed against, or convicted for or in respect of any offence against this Act, may cause the information (*whenever any information shall be taken in writing or in print*) and the conviction respectively to be drawn up according to the following forms, or to the same effect as the case may require (that is to say), "To wit: Be it remembered, That on the day of A. B., of informed me (or us) of her Majesty's Police Magistrates for the parish of that of [here describe the offence with the time and place], contrary to an Act passed in the year of the reign of her Majesty Queen Victoria, intituled, [here insert title of this Act], which hath imposed a forfeiture of for the said offence. Taken the day of before me (or us)."

"To wit: Be it remembered, That on the day of A. B., is convicted before me, Police Magistrate, for the parish of (specifying the offence, and the time and place when and where the same was committed, as the case may be), contrary to an Act passed in the year of the reign of her Majesty Queen Victoria, intituled, [here insert the title of this Act]. Given under my hand and seal (or our hands and seals), the day and year first above written."

Distress not deemed
unlawful for irregu-
larity, but party ag-
grieved may recover
special damage.

178. When any distress shall be made for any money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor any party making the same a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto: nor shall such party be deemed a trespasser ab initio, on account of any irregularity which shall be afterwards committed by him; but all persons aggrieved by such defect or irregularity shall and may recover full satisfaction for the special damage in an action upon the case.

Appeal to the As-
sistant Court of Ap-
peal against bye-laws
and decision of police
magistrates.

179. All bodies corporate, and persons who may think themselves aggrieved by any bye-law, rule, or order of the company, or any order or judgment made or given in pursuance of any bye-law, rule, or order of the company, or of the directors of the company, and all other bodies corporate, and persons who may think themselves aggrieved by any order, judgment, or determination of any Police Magistrate relating to any matter or thing in this Act mentioned or contained, and for which no power of appeal is by this Act specially given, may, within fourteen days next after such order, judgment, or determination shall have been made or given, appeal to the Assistant Court of Appeal of this Island, giving seven days' notice in writing of such intention to appeal, and of the ground or nature thereof, to the parties against whom such complaint is intended to be made, or to the company, as the case may be, and forthwith, after such notice, and entering into recognizance before some Police Magistrate with two sufficient sureties in a sum sufficient to recover the penalty and costs, and also costs of appeal, conditioned to try such appeal, and abide by the order and award of the said court thereon, and the said court shall hear and determine the said complaint, and shall be at liberty, if they see cause, to mitigate the penalty or forfeiture, or to order any money to be returned which shall have been levied in pursuance of such bye-law, rule, order, judgment, or determination, and may also order any such further satisfaction to be made to the party injured, as they shall judge reasonable, and may also order such costs to be paid to the party aggrieved by the party aggrieving, as they in their judgment shall think just and reasonable: Provided always, That when any judgment of a Police Magistrate and the sentence or penalty shall not exceed the sum of Five Pounds independent of costs, the party convicted shall, within three days after such conviction, give notice and particulars of appeal as well to the Police Magistrate as to the prosecuting party, and enter into good and sufficient recognizances for payment of the

No. 315.
19 August 1857.

penalty or sentence, and costs as hereinbefore mentioned, such notice to be served at least seven days prior to the holding of the Court of Appeal.

180. No proceeding to be had or taken in pursuance of this Act, shall be quashed or vacated for want of form, or be removed by certiorari, or by any other writ or proceeding whatsoever, into any of her Majesty's Courts of Record in this Island or elsewhere, any law or statute to the contrary notwithstanding.

Proceedings not to be quashed for want of form nor removed by certiorari.

181. Provided always, and be it enacted, That no action, suit, or information, nor any other proceeding of what nature soever, shall be brought, commenced, or prosecuted against any person for anything done, or to be done in pursuance of this Act, or in the execution of the powers or authorities, or any of the orders made, given, in or directed by, or under this Act, unless twenty-eight days' previous notice in writing shall be given by the party intending to commence and prosecute such action, suit, or information, to the intended defendant, nor unless such action, suit, or information shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage then, within three calendar months next after the doing or committing such damage shall have ceased; and the defendant in such action, suit, or information, may plead the general issue, and give this Act, or the deed of settlement of the company, or any rule, bye-law, order, or regulation, made under the authority of this Act, and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this Act. And if it shall appear to have been so done, or that such action, suit, or information shall have been brought otherwise than as hereinbefore directed, then and in every such case the jury shall find for the defendant; or if the plaintiff shall have become non-suited, or suffer a discontinuance of his action, suit, or information, after the defendant shall have appeared thereto, or if a verdict shall pass against the plaintiff therein, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall have costs, and have such remedy for recovering the the same as defendants have for recovering costs of suit by law in any other cases.

Protection of persons prosecuted for anything done in pursuance of this Act.

182. Provided also, and be it enacted, That no plaintiff shall recover in any action for any irregularity, trespass, or other wrongful proceeding made or committed in the execution of this Act, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass, or other wrongful proceeding before such action brought; and in case no tender shall have been made, it shall be lawful for the defendant in any such action by leave of the court, where such action shall depend, at any time before issue joined to pay into court such sum of money as he shall think fit, whereupon such proceedings, order, and judication shall be had and made in and by such court, as in other actions where defendants are allowed to pay money into court.

Plaintiff not entitled to recover if amends tendered before action brought.

183. Provided always, and be it enacted, That nothing herein contained shall be deemed, construed, or taken to alter, take away, or abridge, or in any manner interfere with the rights, powers, and authorities, provisoes, penalties, forfeitures, matters, and things, heretofore granted by an Act or Acts of the Legislature of this Island, to any bodies corporate or any other person or persons whatsoever.

Defendant, by leave, may pay money into court at any time before issue joined.

184. The materials of all descriptions imported to be used in the construction and maintaining of the said works shall be exempted from all duties and imposts.

Not to interfere with existing rights under Acts of Legislature.

185. The works and revenue of the company shall be and are hereby declared free of all taxation.

Materials used in construction of works to be imported free of duty.

186. This Act shall be deemed and taken to be a public Act, and shall be judicially taken notice of as such by all judges, justices, and others, and be pleaded in any of the courts of this Island.

Works and revenue of company to be free of all taxation.

187. This Act shall not come into operation in this Island until her Majesty's pleasure thereon shall be known.

Act to be deemed a public Act.

Not to come into operation until her Majesty's pleasure be known.

No. 316.
24 December 1857.

No. 316.

24 December 1857.]—AN ACT relating to the Public Market of Bridge-Town.

Provides for appropriation and recovery of rents for the separate rooms at the market-house.

WHEREAS for the better accommodation of persons engaged in the sale of goods at the public market, the commissioners of that department have caused a portion of the buildings to be divided into separate rooms, and have fixed the rents to be paid for same: Be it therefore enacted, by the Governor, Council, and Assembly of this Island, and by the authority of the same, That the rents due, and to become due for said rooms at the rate fixed, and to be fixed by the said Commissioners, and also for any other rooms which may hereafter be set apart by the said commissioners for the purposes aforesaid, shall be paid to the collector of the market-tolls for the public uses of the Island. And the said collector of tolls shall have the same remedies for recovery of such rents as appertain to any landlord to recover rent from his tenants.

No. 317.
24 December 1857.

No. 317.

24 December 1857.]—AN ACT to amend an Act intituled, "An Act for authorizing the making of Waterworks for the City of Bridge-Town, and for incorporating a Joint Stock Company with limited liability, to carry the same into effect."

Repeals Clause 36 of former Act.

Not more than 10 per cent. profits in the whole to be divided unless to make up deficiencies in former years.

BE IT ENACTED by the Governor, Council, and Assembly of this Island, and by the authority of the same, That,—

1. The thirty-sixth clause of the said Act shall be and the same is hereby repealed.

2. The profits of the waterworks to be divided among the company in any year shall not exceed the rate of ten pounds in the hundred by the year on the paid-up capital in the undertaking, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate: Provided that the word "profits" shall include the interest of six per cent. guaranteed by the Legislature on the capital expended by the company in the undertaking.

No. 318.
9 January 1858.

No. 318.

9 January 1858.]—AN ACT to amend an Act to provide for the establishment and maintenance of a Court of Appeal.

WHEREAS an Act was passed on the Thirty-first of January, One thousand eight hundred and fifty-seven, entitled "An Act to provide for the establishment and maintenance of a Court of Appeal:" And whereas another Act was passed on the Twenty-ninth day of July, One thousand eight hundred and fifty-seven, entitled "An Act to amend an Act to provide for the establishment and maintenance of a Court of Appeal," by which the tenth clause of the first recited Act which fixed a limit to the appealable amount was and is repealed and another clause enacted in lieu thereof: And whereas a doubt might arise whether the proviso to the eighth clause of said first recited Act, in reference to the limit of appealable amount, is repealed by the second clause of the aforesaid amended Act, and it is deemed expedient to remove such doubt: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

Repeals former enactments limiting the appealable amount.

1. The aforesaid amended Act of the Twenty-ninth of July, One thousand eight hundred and fifty-seven, is hereby repealed, and the proviso to the eighth clause, so far as relates to the appealable sum, and

also the tenth clause of said recited Act of the Thirty-first of January, One thousand eight hundred and fifty-seven, shall stand repealed.

2. Nothing in said recited Act of the Thirty-first of January, One thousand eight hundred and fifty-seven, contained shall prevent parties from appealing to her Majesty in Council, either from the established courts in this colony respectively, or from the said Court of Appeal, under such regulations and upon such terms and conditions as her Majesty in Council shall be pleased to establish.

3. Said recited Act of the Thirty-first of January, One thousand eight hundred and fifty-seven, and this Act, shall be taken and construed together as forming one Act.

No. 318.
9 January 1858.

Reserves right of appeal upon such conditions as her Majesty in Council shall establish.

To form part of the Act of 31 January 1857.

No. 319.

No. 319.
14 April 1858.

14 April 1858.]—AN ACT to amend the Act regulating the Licensing and Fares of Livery and Hackney Carriages.

WHEREAS it is deemed expedient to amend the Act of the Seventh of February, One thousand eight hundred and fifty-five, entitled "An Act to regulate the Licensing and Fares of Livery and Hackney Carriages:" Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. So much of the second clause of the recited Act as fixes a fee of fifteen shillings to be paid on obtaining a licence for a carriage to be drawn by two horses, and a fee of ten shillings for a carriage to be drawn by one horse, is hereby repealed.

Former fees on licensing of carriages repealed.

2. If the proprietor of any livery or hackney carriage shall neglect or refuse to submit for inspection his carriage and the horse or horses used in drawing the same at such times and in such manner as directed and required by the third clause of the recited Act, he shall for each neglect or refusal be liable to a penalty not exceeding One Pound: and in addition to such penalty the Inspector-General of Police shall have power to suspend the licence of such proprietor in the manner prescribed in said clause until the carriage and horses shall be submitted for inspection.

Penalty for neglect or refusal to submit carriages to inspection.

3. The mode of remuneration provided by the fourth clause of the aforesaid recited Act for the inspector of carriages and horses is not only objectionable but insufficient for the services he is called on to perform: therefore so much of said clause as relates to his remuneration is hereby repealed; and in lieu thereof he shall be entitled to the following fees, that is to say—two shillings for the inspection to obtain a licence for a carriage, and one shilling for each subsequent inspection of such carriage during the continuance of the licence, such fees to be paid by the proprietors of carriages and horses at the time of inspection.

Remuneration to inspector of carriages and horses.

4. The inspection fees of carriages and horses being to be paid by the proprietors of same, as provided in the foregoing clause, the fees to be paid for licences shall be reduced and fixed at the following rates: for a carriage to be drawn by two horses, ten shillings; and for a carriage to be drawn by one horse, five shillings.

New fees to be paid for licences.

5. It shall not be lawful for any person to act as a driver of a hackney-carriage unless he shall previously thereto report himself to the Inspector-General of Police, and satisfy him that his general good conduct and character are such as to entitle him to be intrusted as a driver of a hackney-carriage; and if the Inspector-General of Police shall be satisfied therewith he shall enter the name of such person in a book to be kept by him for that purpose, together with the number of the carriage to be driven by such person, and the said Inspector-General of Police shall give to such person a certificate in writing of the particulars entered in such book; and if any person shall act as a driver of a hackney-carriage before

Regulations and qualifications for appointment of driver.

No. 319.
14 April 1858.

Penalty on driver for being drunk or for smoking or being improperly clothed, or using bad language, or refusing to show his licence, or for plying at other than the authorized stands.

Enacts a new table of fares.

Penalties, how to be recovered and applied.

This Act to be construed with the previous Cab Act.

Schedule of fares.

obtaining such certificate, he shall incur a penalty not exceeding Five Shillings for every day he shall so act as such driver.

6. If the driver of a hackney-carriage shall be in a state of drunkenness, or shall smoke to the discomfort of passengers travelling in the carriage driven by him, or shall not be clothed in a decent and befitting manner with reference to his position of a hackney-carriage driver, or shall make use of any insulting, improper, or disrespectful language to any person applying to him or travelling in the carriage as aforesaid, or shall refuse to show his licence as a driver if so required; or if such driver shall ply for fares other than at and on the stands allotted for hackney-carriages under the provisions of the thirteenth clause of the recited Act, he shall for every such offence be liable to a penalty not exceeding Twenty Shillings.

7. The Schedule A. of the rates and fares to be paid for any livery or hackney-carriage annexed to the aforesaid recited Act, and especially referred to in the sixth clause thereof, is hereby repealed, and the schedule of rates and fares to this Act annexed is substituted in lieu thereof, and the same shall be had and taken as if it originally formed part of said recited Act.

8. The penalties imposed by this Act shall be taken as penalties imposed under the aforesaid recited Act, and shall be recovered and applied as provided in said Act in respect of the penalties thereby imposed.

9. This Act and the aforesaid recited Act shall be taken and construed together as forming one Act in reference to the matters and things herein contained.

SCHEDULE A.

Rates and Fares to be paid for any Livery or Hackney Carriage.

Description of Carriage.	Fare by Distance.		Fare by Time.	
For any hackney carriage with four or two wheels drawn by one horse.	For any distance not exceeding two miles. Sixpence for each adult person and threepence for each child under 10 years of age, for each or any part of a mile within the first two miles.	For any distance exceeding two miles: After the rate of one shilling for each adult person and sixpence for each child under 10 years of age, for every mile or part of a mile beyond the first two miles.	For any time within and not exceeding one hour: Two shillings for one adult person, and if more than one adult person, one shilling for each additional person; children under 10 years of age, half fare.	And for every livery or hackney carriage drawn by two horses, one-half above the rates and fares hereinbefore mentioned.

The above fares to be paid according to distance or time, at the option of the hirer, to be expressed at the commencement of the hiring. If not otherwise expressed, the fare to be paid according to distance.

Provided, That no driver shall be compelled to hire his carriage for a fare to be paid according to time at any time after eight o'clock in the evening and before six in the morning: but if after the hour of eight o'clock in the evening any carriage be found on a stand provided for carriages, the driver thereof may be compelled to hire the same at the rate of ninepence per mile or part of a mile not exceeding two miles, and if exceeding two miles at the rate of one shilling and sixpence per mile or part of a mile after the first two miles, for each adult person; and children under ten years of age, half price.

No. 320.

No. 320.
29 April 1858.

29 April 1858.]—AN ACT to authorize the appointment of an additional Gauger for Speights' Town, Sherman's Bay, Sixmen's Bay, and Reid's Bay.

WHEREAS an additional gauger is required at Speights' Town, and it is expedient to permit such gauger, as well as the gauger already appointed, to act as gauger for Sherman's Bay and Sixmen's Bay in the parish of Saint Peter, and for Reid's Bay in the parish of Saint James: Be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. It shall and may be lawful for his Excellency the Governor, or the Commander-in-Chief of this Island, to nominate and appoint an additional gauger for Speights' Town, who, as well as the present gauger, are hereby authorized to act as gaugers for Sherman's Bay, Sixmen's Bay, and Reid's Bay. Sanctions appointment of an additional Gauger for Speights' Town, &c.

2. The person so to be appointed gauger under the authority of this Act shall be entitled to demand and receive the like fees as gaugers are by law authorized to receive for the gauging of casks. To have the same fees as other Gaugers.

No. 321.

No. 321.
11 August 1858.

11 August 1858.]—AN ACT to amend the General Hospital Act of 4th June 1840, and to provide Hospital Accommodation for Merchant Seamen.

[Clauses 2, 3, 4 had their effect, and 6, 7 repealed.]

WHEREAS it is expedient that provision should be made for the care of sick merchant seamen. And whereas the society incorporated by Act of Fourth of June, One thousand eight hundred and forty, for the establishment and maintenance of an hospital for the reception and care of sick poor, being willing to receive merchant seamen into the hospital, a grant of money ought to be made to enable them to effect the same: And whereas it is deemed expedient to give to the Legislature a larger control in the affairs of the institution than they now possess: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. It shall be lawful for the President of the Council to appoint three members of the Legislative Council, and for the Speaker of the General Assembly to appoint seven members of the General Assembly, to be directors of the said society, and also to fill up from time to time all vacancies that may happen by death, or otherwise, amongst the said directors to be appointed under the authority of this Act; and the directors so to be appointed shall have and exercise the like powers and authorities as the directors have and exercise under the herein-recited Act; and notwithstanding the expiration, dissolution, or prorogation of the General Assembly, the directors appointed from that body shall, during such expiration, dissolution, or prorogation of the said General Assembly, continue to have and exercise the same powers and authorities without any reappointment; but should any of them cease to be members of the General Assembly, they shall from thenceforth cease to be directors of the said society. Three members of Council to be appointed by the President and seven members of Assembly to be appointed by the Speaker to be added to the number of directors.

5. The said trustees and directors are hereby authorized and required under the grant of money made by this Act, to cause sufficient hospital accommodation to be provided at the said General Hospital for the reception, treatment, and care of seamen belonging to merchant vessels trading to this Island, who may require medical aid and claim the same; and for this purpose the said trustees and directors may either have a separate building erected on the lands of the said General The trustees and directors to provide, out of the grant, accommodation for sick merchant seamen, who shall be treated free of charge, and, if they die in hospital, be buried at the expense of the establishment.

No. 321.
11 August 1858.

Hospital, or they may have the present General Hospital so altered, enlarged, and improved, as to afford such required accommodation as to them may seem most advisable. And the seamen received into the hospital shall, free of charge, have every possible care, attention, and medical treatment whilst there; and should any of them die in hospital, the cost of their funerals shall be defrayed from the funds of the establishment.

This Act and that of the 4 June 1840, to be considered as one Act.

8. This Act and the recited Act of the Fourth of June, One thousand eight hundred and forty, shall be taken and construed together as forming one Act.

No. 322.
25 August 1858.

No. 322.

25 August 1858.]—AN ACT for an Annual Grant to "The Incorporated General Agricultural Society and Reid School of Practical Chemistry in this Island to aid in the distribution of Prizes."

An annual grant of 100*l.* made to the General Agricultural Society.

WHEREAS the said society have by petition prayed that a small annual grant be placed at their disposal to enable them to distribute prizes in addition to those which the society may be in a position to offer; and it is deemed expedient to grant the prayer of the petition: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That an annual grant of One hundred pounds shall be made to the said society, and the same shall from time to time be paid to them from the Public Treasury on the warrants of the Governor in Council.

No. 323.
14 September 1858.

No. 323.

14 September 1858.]—AN ACT for a Loan to relieve the Chapel of Saint David, in the Parish of Christ Church, of Debt.

WHEREAS the rector of the parish of Christ Church and the curate and committee of said chapel have by petition prayed for a loan of two hundred pounds, to relieve said chapel of debt recently incurred in repairing and enlarging said chapel, to be repaid by annual instalments of twenty-five pounds each: And whereas it is deemed expedient to aid the petitioners in the premises: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

A loan of 200*l.* granted to the curate, &c., of St. David's Chapel on their finding security for the repayment in annual instalments of 25*l.*

1. If any three good and sufficient persons, to be approved by the Governor in Council, shall enter into bond in common form jointly and severally to the Treasurer of the Island and his successors in office for repayment into the Public Treasury of said loan by yearly instalments of twenty-five pounds each, the Governor in Council shall thereupon issue a warrant to the said Treasurer authorizing him to pay said loan of two hundred pounds to the order of the curate and committee of management of said chapel of Saint David.

The rents and other funds of the chapel charged with the repayment of the loan.

2. The funds of the said chapel of Saint David, derivable from the rents of sittings, and however otherwise derived, shall from time to time, after payment of the salaries of the officers and incidental expenses of said chapel, be and remain specially charged with the repayment of said loan, so as to indemnify and save harmless the respective persons who may become bound in manner as aforesaid. And the minister and committee of management for the time being of said chapel shall govern themselves accordingly in the application of the funds of said chapel.

No. 324.

No 324.
14 September 1858.

14 September 1858.]—AN ACT to repeal an Act entitled “An Act to confirm and enforce the Rules and Regulations of the House of Assembly in this Island for the time being,” and to make certain regulations with respect to the House of Assembly.

WHEREAS it is inexpedient that certain of the rules, regulations, and forms of proceeding as are now established for the good government of the General Assembly of this Island shall be absolutely binding and incapable of suspension or alteration without the concurrence of the other branches of the Legislature; and it is desirable that the said General Assembly should be at liberty to suspend, alter, or discharge any of its rules, orders, or forms of proceeding as it may deem expedient for the furtherance of the public service: And whereas it is the undoubted right and privilege of the said General Assembly, long exercised and unquestioned, and a power essential to the proper performance of its functions and duties, to determine its own forms of proceeding, and to make such rules and orders to enforce their observance, as they may see fit, and to punish any of its members who may be guilty of a contempt of such orders or of any breach of its privileges: Be it therefore enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, as follows:—

1. An Act passed the Thirtieth day of December, One thousand eight hundred and eighteen, entitled “An Act to confirm and enforce the Rules and Regulations of the House of Assembly in this Island for the time being,” shall be and the same is hereby repealed. The Act of the 30th Dec. 1818 is repealed.

2. If any member of the General Assembly shall obstinately refuse to yield due obedience and conform himself to the several rules of the house, it shall be in the power of the Assembly to expel such member by a majority of voices then present: and in all cases where any member shall be expelled the house, the Governor shall be forthwith addressed by the house, to issue a new writ for the election of another member in the room of such member so expelled. The Assembly is empowered to expel any member refusing to conform to the rules, and a new writ to issue.

3. Upon the dissolution or expiration of the General Assembly, the records thereof, and papers thereunto belonging, shall be and remain in the hands and keeping of the last Speaker, until an Assembly of Representatives be again called and then be delivered by the last Speaker into the hands of the then present Speaker. On the expiry of the Assembly the records are to be in the keeping of the last Speaker.

4. Each party shall upon controverted elections of members of the General Assembly, at least ten days before the hearing of such controversies, deliver to the clerk of the Assembly a list of the several freeholders or persons whose votes are intended to be objected to and controverted, and also cause such persons to be duly summoned to attend the house—with a copy of which list the clerk shall furnish each party, if applied for, and no objection whatsoever shall be admitted to be made to any person's vote whose name shall not have been given in to the clerk, or who shall not have been so summoned as aforesaid; and at the time of delivering such list the person controverting shall in such list also insert the objections intended to be made to the qualifications of the respective voters, which, and no others, he shall be at liberty to establish at the hearing of the said controversy; and the clerk shall furnish such members of the house as shall send for them with copies of such lists and objections, and likewise the other candidate in case of an application, charging him a fee at the rate of one shilling per folio of ninety words for such copies; and in petitions or cross petitions upon any election the party preferring the same shall specify the objections or disqualifications of or against the other candidate, and not be admitted at the hearing of such controversy to enter upon any matter relative to the disqualification of such candidate, not specially stated in such petition or cross petition. And when any petition shall be filed for controverting the seat of a On controverted elections each party is to deliver, ten days before the hearing, to the clerk, a list of the votes objected to, with the objections to the qualifications. The clerk to furnish copies to members and candidates, charging the latter 1s. a folio. Objections to the qualifications of candidates to be stated in petitions, &c.

No. 324.

14 September 1858.

The clerk to give notice to the member petitioned against.

A summons valid though not personally served.

The clerk to take fees upon controverted elections, and the marshal also.

member, the clerk of the General Assembly shall forthwith give notice thereof in writing to the member, and it shall be lawful for such member within three days next after the receipt of notice to file a cross petition, if he shall see fit.

5. A summons under and by virtue of this Act shall be deemed good and effectual though not personally served, if left at the habitation or last known place of abode of the person intended to be summoned.

6. The clerk of the General Assembly is and shall be allowed to take such fees upon controverted elections as are taken by the clerk of the Council upon controverted elections of vestrymen: that is to say, five shillings upon every petition or cross petition, or copy thereof: and ten shillings for every summons; and no summons shall contain more than the names of four witnesses, and upon each warrant of contempt the sum of twenty shillings, and the marshal of the house shall be entitled to demand and receive the same fees for executing warrants of contempt as the Provost-Marshall of this Island is entitled to.

No. 325.

24 November 1858.

The chapels of St. Clement's and St. Swithin's are placed under the Vestry of St. Lucy as fully as the parish church, and to be maintained in the same manner.

No. 325.

24 November 1858.]—AN ACT to place the Chapels of Saint Clement's and Saint Swithin's, in the Parish of Saint Lucy, in this Island, under the control of the Vestry of said Parish.

WHEREAS the rector, churchwarden, and vestry of said parish, the minister of said chapels, and the respective committees of management of said chapels and others, inhabitants and taxpayers of said parish, have preferred a petition to the General Assembly, setting forth that it would be desirable and expedient to place said chapels under the control of the vestry of said parish, and that they should be empowered to exercise the like control over said chapels as they are by law empowered to exercise over the parish church and maintain same at the general cost of the parish; and the petitioners having prayed that an Act might be passed for giving effect to same: It is deemed expedient to enact—and be it enacted by the Governor, Council, and Assembly of this Island, and by the authority of the same, That from and after the passing of this Act the said chapels of St. Clement's and St. Swithin's, in the said parish of St. Lucy, shall be and they are hereby declared to be under the control of the vestry of the said parish of St. Lucy; and the said vestry are hereby fully authorized to exercise the same powers and control over the said chapels as fully to all intents and purposes as are at present exercised by them by law in respect of the parish church, and they are hereby authorized and empowered to maintain the said chapels of St. Clement's and St. Swithin's at the cost of the said parish of St. Lucy in the same manner as the parish church is maintained by them, any law to the contrary notwithstanding: Provided always, That nothing in this Act contained shall extend or be construed to extend to affect the rights of her Most Gracious Majesty the Queen, her heirs and successors, or of any bodies politic or corporate, or of any other persons except such as are herein-before mentioned and those claiming by, from, or under them.

No. 326.

21 December 1858.

No. 326.

21 December 1858.]—AN ACT to alter and amend an Act entitled "An Act to provide for a more extensive and general Education of the People of this Island."

[Clause 5 repealed, and 13 had its effect.]

WHEREAS it is deemed expedient to alter and amend the Act relating to the Education of the People: Be it enacted by the Governor, Council,

and Assembly of this Island, and by the authority of the same, as follows:—

No. 926.
21 December 1852.

1. The second, sixth, seventh, and eighth clauses of the Act passed the Twenty-fourth day of October, One thousand eight hundred and fifty, entitled "An Act to provide for a more extensive and general Education of the People of this Island," shall be and the same are hereby repealed.

Repeal four clauses of former Act.

2. The Education Committee shall from time to time appoint some fit and proper person to be Inspector of Schools, such appointment to be assented to by the bishop of the diocese and approved by the Governor; and the person so appointed shall receive from the public treasury a salary at the rate of three hundred pounds per annum, by monthly payments, on the warrants of the Governor in Council. And it shall be the duty of the person so appointed to devote his entire and undivided attention to the duties of his office; to visit all schools receiving public aid, as often and for as long a time as circumstances will permit; to enter a record in the school books of the date and duration of such visits, and of the condition in which he may find the said schools at the time of his respective visits to each; but the inspector shall not interfere with the management of the schools, or do more than tender his advice; to make every half year a report on the said schools to the Governor for the information of the Legislature—and in case of the schools connected with the Established Church, to report also to the bishop of the diocese and to make special reports to the Education Committee on any matter connected with the schools, whenever occasion may require it.

Appointment of an Inspector of Schools: his salary and duties.

3. All public schools for primary instruction, connected directly with the Established Church, or with any other Christian congregation, and in which the Holy Scriptures in the authorized version of the Bible shall be read and taught: and the other subjects taught shall be reading, writing, and arithmetic, and the elements of grammar, geography, history, and music, and in which there shall not be less than fifty children in actual average attendance; and all dame or infant schools connected as aforesaid and open to the neighbourhood, shall be entitled to participate in the benefit of the hereinafter provided grant, subject to the conditions hereinafter contained: Provided nevertheless, That as respects the parish of St. Andrew, any school having an actual average number of thirty-five shall be entitled to participate in the benefit of the grant under this Act.

What schools shall be entitled to participate in the Education Grant.
See Act of 28 June 1865.

4. Every such school shall be under the immediate superintendence of a committee composed of the minister of the district or of the congregation with which the school is connected, and two laymen to be appointed annually by the Education Committee on the recommendation of the respective ministers, of which committee the said minister shall be the chairman. Provided that in the case of the society's schools, the principal of Codrington College shall be deemed and taken as the minister of that district.

Every school to be superintended by a committee of one minister and two laymen.

6. The grant hereinafter provided shall be applied by the Education Committee in encouraging the general establishment throughout the Island of dame or infant schools, and in supporting or aiding such schools when established, and in the fitting up of all schools that shall be entitled to participate therein, with proper school furniture, and in providing the necessary books, maps, and other apparatus for the use of such schools; but before making grants in aid of such objects to primary schools, the Education Committee shall require in each case that a fair proportion of the whole sum required be first obtained from local contributions or other sources, and the said grant shall be further applied in paying the salaries of the mistresses of the dame or infant schools and in augmenting the salaries of the masters and mistresses of the primary schools; but the Education Committee, in making such grants to primary schools, shall take care that they be in proportion to the amounts realized by the respective masters and mistresses from the payment of the children under their instruction, and from other sources.

In what manner the Education Grant is to be applied.
See Act of 28 June 1865.

No. 326.
21 December 1858.

Provision for the
training of pupil-
teachers.

7. The master or mistress of every primary school which the inspector shall certify to be in a fit state for employing and training pupil-teachers, shall be allowed to receive as such pupil-teachers young persons who shall be at least fourteen year of age, have a good character from their minister, and pass a satisfactory examination; and for every such pupil-teacher so received, the said master or mistress of such primary school shall receive such payment as the Education Committee shall think fit: Provided always, That the number of such pupil-teachers shall not exceed at any time thirty.

Annual examination
of pupil-teachers.

8. Every such pupil-teacher who shall have been admitted into any school as aforesaid, and who shall produce a certificate of good conduct from his minister for the preceding twelve months, shall be examined annually by such persons as shall be appointed for that purpose from time to time by the Education Committee, and shall be entitled to receive a certificate and to be classified according to his proficiency.

Salary of pupil-
teacher.

9. Every such pupil-teacher shall receive a salary to be fixed by the Education Committee according to the grade of his proficiency, which salary shall be paid quarterly out of the grant hereinafter provided.

Provision for schools
for the middle classes.

10. It shall be lawful for the Education Committee to expend out of the grant hereinafter provided, a sum not exceeding three hundred pounds in any one year, in supporting and assisting any school which now is or may hereafter be established for the education of the middle classes.

Provision to be made
for the instruction of
the teachers.

11. It shall be the duty of the Education Committee to provide annually, if practicable, in some portion of the school vacations, for the teachers of the schools, a course of instruction on subjects with which they ought to be acquainted; and each teacher who shall attend such course shall be allowed towards his personal expenses such a sum as the Education Committee shall think fit.

Examination and
classification of the
teachers.

12. An annual examination of such teachers as shall offer themselves for that purpose shall be held by such persons as the Education Committee shall appoint; and the said teachers shall be divided into three classes, and certificates shall be awarded to them according to their attainments, and annual premiums to be paid out of the grant hereinafter provided shall be awarded to the holders of such certificates, according to a scale to be fixed by the Education Committee.

This Act to be con-
strued with the former
Act as one.

14. The said recited Act and this Act shall be construed together as one Act, and may be cited for all purposes as the Education Acts.

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